# NATIONAL MUNICIPAL REVIEW

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## VIEWS AND REVIEWS

**Women Seize Control** Yoncalla, Oregon, a city of 250 population, wakened to find their women had sized up a weak situation, had taken a firm hold on things, and finally proved at the polls what organization will do. The result was the election of a woman mayor and a complete feminine council. If Mrs. Mary Burt, mayor elect, can as successfully organize and carry out her plans for reform government, we can vouch for the men of Yoncalla becoming students of government—and politics.

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**Zoning Ordinance Fails on Referendum** The zoning ordinance passed last summer by the city council of Portland, Oregon, met defeat on referendum at the November election. The majority against it was 546. Indications are that the social merits of zoning were not understood and that leaders of the movement failed to educate the rank and file of the electorate on its meaning. Although the ordinance was the result of eighteen months of careful study and more than 150 neighborhood conferences; although it applied only to new building and embodied the principal features of ordinances in Los Angeles, St. Louis and New York, the people turned it down. Pacific coast cities have taught us to expect better things.

**202 City Managers** During the year 1920 more than forty cities have been added to the list of American municipalities operating under, or pledged to some variety of the city-manager form of government, making the present total 202. Not a single city which has adopted the plan by vote of the people has yet given it up, although a few towns which have attempted to create the position of manager by local ordinance have discontinued the experiment. Among the cities recently added to the list by adoption of commission-manager charters or charter amendments are: Pasadena, California; Colorado Springs, Colorado; West Hartford, Connecticut; New Smyrna and Tampa, Florida; Brunswick and Decatur, Georgia; Winfield, Kansas; Mansfield and Middleboro, Massachusetts; Bay City and Pontiac, Michigan; Lima, Ohio; Cherokee and Duncan, Oklahoma; and Radford, Virginia. Towns which have created the position by ordinance within the past two or three months are: Orange City and Shenandoah, Iowa; Crowley, Louisiana; Crisfield, Maryland; and Vicksburg, Michigan. The smallest city having a standard commission-manager charter and a full-time paid manager is McCracken, Kansas, with a population of 371, with L. L. Ryan as manager. The largest

city is Akron, Ohio, population 208,435, with W. J. Laub as manager.

H. G. O.

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**County-Manager Charter Loses** The county-manager charter for Baltimore County (adjoining Baltimore city) was defeated by a decisive vote last November. The proposed charter, described in detail in the August REVIEW, delegated control over county administration to a manager chosen by an elected council of fifteen. The analogy of the city-manager plans was followed, except that the manager's appointing and removing powers were limited.

The new charter was bitterly opposed in political circles and by the office-holders, and it is said that many taxpayers were alarmed lest the new government might disturb existing assessments. The ostensible ground of opposition centered largely around the possible illegality of abolishing the county commissioners—a question which the charter board felt that it had fully studied and considered.

The whole incident has been valuable to the general propaganda for improved county government, by giving to the literature of the movement an example of a county charter based on the county-manager principle, and reducing, to some extent, the novelty of the idea.

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**The I and R in Oregon** At the last general election in Oregon eleven measures—seven proposed constitutional amendments and four statutory measures—were submitted to the voters. Two of the amendments originated in the legislature, and one act of the legislature was referred by petition. The other measures were submitted through the initiative. With the exception of the initiative amendment extending the term of certain county officers, all of the measures good, bad, and indifferent were indiscriminately slaughtered at the election. The chief interest was in the single-tax amendment and the maximum four-five per cent interest amendment, both proposed by petition. The reappearance of a single-tax or near-single-tax measure at every election is the chief cause of intermittent agitation for "hog tieing" the initiative. But since this is entirely impracticable, conservatives comfort themselves from the fact that in the passing years the voters show an increasing tendency to reject initiative measures while they show more respect to measures originating in the legislature. There is even opinion that "that initiative and referendum law, like many other legislative and governmental experiments, has about run its course in Oregon and that use of its law will gradually die out." But, from a more liberal point of view, the recent indiscriminating conduct of the voters is regarded as due simply to the general reactionary tendency that has followed in the wake of the war.

J. D. B.

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**A. P. R. Victory** On November 30 the voters of Sacramento, California, adopted a new charter establishing a city manager government with council elected under the Hare system of proportional representation. Although the closing days of the campaign were strenuous the favorable majority was almost 7 to 1. The charter commission has expressed gratitude for the assistance rendered by the N. M. L. and our Model Charter. Indeed the framers stuck closely to the principles enunciated in this much used document. We are more and more convinced that our charter has earned the right to be called "model."

# A GENERAL MANAGER FOR MONTREAL

BY W. J. DONALD

*Managing Director, American City Consultants*

*With Proportional Representation—Council of Nine—Mayor Appointed By Council.* :: :: :: :: :: :: :: ::

THE ups and downs of municipal government in Montreal make rough riding. Legally and practically the Quebec legislature is supreme. It can amend Montreal's charter or the franchise of its public utilities at will. Practically it has done both. The tramways are now in the hands of a commission appointed by the province. The commission is a sort of benevolent autocracy and so far as the street railway franchises are concerned Montreal, her council and her people are treated as "wards."

However, popular opinion has it that Montreal was very badly governed by Mayor Mederic Martin and the Council. Therefore an "Administrative Commission" was appointed by the Quebec legislature to govern the city. The mayor and council remained in office—with practically no powers.

Subsequently the legislature appointed a charter commission to draft a new charter for the city—presumably with the expectation that the charter would be passed without further ado—an expectation which is certain to bring disappointment. There will be opposition at Quebec—delay—then possibly rejection.

The commission has chosen the following framework for the charter which is now being drafted:

1. *Complete home rule:* "The city of Montreal shall have all the powers now vested in the legislature of the province of Quebec as regards the administration of the said city, and the powers of the said legislature are to that end delegated to the said city." It may, however, be taken for granted that the Quebec legislature will not abdicate.

2. *Unicameral legislative body:* Mayor appointed by council from among its members!—"The city shall be governed by only one body to be known and designated as 'The Council' which shall have all the administrative and legislative powers to be conferred upon it by the charter." Montreal wants no more of divided authority. The "board of control" form of separation of powers and responsibilities is gone for good. There will be opposition to the idea of an appointed mayor but it is nevertheless a sound principle.

3. *One electoral district:* council of nine—proportional representation—four year terms! It must be remembered that Montreal has a peculiar problem. Two thirds of the population are French catholics. Seventy-five thousand are Jews. The rest are English protestants and Irish catholics. The Irish and French entertain a mutual antipathy towards each other, and the English and Jews have an influence unwarranted by their numbers. The council proposed is too small. Proportional representation would help but has small chance of final adoption. Combined with so

small a council (or better still a council of fifteen) and proportional representation, the single electoral district is good.

4. *General Manager!* The manager is to be appointed, suspended or dismissed by the council—"by majority vote"—"for cause." "He shall be chosen solely on the basis of his executive and administrative capacities." His powers are set forth at length. He would have powers of appointment over all heads of departments except the city clerk, city attorney and city auditor. His appointments could be rejected only by a majority vote of the whole council. The mayor would have only the functions of a dignitary.

The talk of Montreal is that there is no man living—whether French or English—who can govern Montreal.

The Chambre de Commerce is actively opposed to the proposals. Even forward looking citizens are pessimistic.

# THE ANTITHESIS OF HOME RULE

BY IRA W. STRATTON

*Former Mayor of Reading, Pennsylvania*

*Reading must automatically abolish her present commission government and take up a new form with new corporate rights and duties simply because her population has reached 100,000. Her new form would be the same as that of Pittsburgh.* :: :: :: :: ::

I

The Constitution of Pennsylvania, adopted in 1874, permits of the classification of cities. The act of May 23, 1874, provides for three classes. Since that time, the legislature sought to extend the number of classes of cities from three to five, and again to seven, but these acts were declared unconstitutional, it being held that the power of classification permissible under the constitution having once been exercised by the legislature in the act of 1874, it was not competent thereafter to extend the number of classes as originally fixed.

First Class Cities are those containing a population of one million or over (Philadelphia). Second Class Cities are those containing a population of one hundred thousand and under one million (Pittsburgh and Scranton). Third Class Cities are those containing a population under one hundred thousand.

II

The press bulletin from Washington, gives the population of Reading, Pa., as 107,784 for the 1920 census. When in the course of time these figures are officially transmitted to the state authorities, then becomes operative the Act of June 25, 1895.

"Whenever it shall appear by any such census that any city of the Third Class has attained a population entitling it to an advance in classification, it shall be the duty of the Governor, under the great seal of the Commonwealth, to certify the fact accordingly, which certificate shall be entered at large upon the minutes of the council of such city, and recorded in the office for recording of deeds of the proper county. . . . At the next municipal election . . . the proper officers shall be elected to which the said city will become entitled under the change in classification."

A state constitutional amendment was adopted by vote of the people in 1909—which provides for all regular municipal elections to be held in odd

numbered years. The next municipal election will therefore be in November, 1921, and the officers then elected will take office the first Monday in January, 1922. This date, under existing laws, will be the time when Reading, Pennsylvania, will become in fact a Second Class City of Pennsylvania.

The laws of Pennsylvania giving charter rights to cities of the second class differ in many respects from those of third class cities. In third class cities, the mayor and four councilmen meet as council and are clothed with legislative and executive power; each member also being head of a department. In second class cities, the mayor is not a member of council but he has full executive power, has the right of approval or veto of all legislation passed by council, and appoints, subject to the approval of council, all department heads. Council has all legislative power vested in it.

There are many other minor features of material difference. Unless care is exercised during the period of transition, the expense of operating a second class city will be very much greater than that of a third class city. A judicious interpretation with common sense application is highly necessary.

The law is clear about councilmen, their powers and terms of office, but acts pertaining to other officials are somewhat hazy. There is no outstanding precedent to follow: Pittsburgh and Scranton both went through the fire of the 1901 "ripper act," and it is hoped that Reading will escape a repetition of this disgraceful experience. It is possible that the legislature of 1921 will clear the atmosphere.

The legislature of 1919 proposed two amendments to the State Constitution. Should these pass the 1921 legislature and subsequently be approved by vote of the people, cities of Pennsylvania will be reclassified into seven classes and home rule given them. Such action may find Reading in the course of a few years again changed to another class.

# PROPORTIONAL REPRESENTATION IN CALGARY

BY GEORGE V. FERGUSON

*P. R. was first used in Calgary in 1917. It returns a well balanced council and grows more popular each year.* :: :: :: ::

I

Calgary, with a population of some 70,000 inhabitants, is the largest city in Alberta. It is an important railroad and industrial centre, and, with its numerous grain elevators and warehouses is also the distributing centre for southern and central Alberta. The population consists of a fairly even balance of industrial workers on the one hand and business men, merchants and distributors on the other. There are 28,000 names on the municipal electoral lists, but of these, ten to fifteen thousand are non-resident property owners. Municipal business has been kept remarkably free from taint; the ward system was abolished some years ago; boss-ridden, machine-made politics do not exist; and there has been no suspicion of corruption in the conduct of affairs. Organization for the city elections is only partial, the only systematic organization being that of the Labor party.

The referendum on the introduction of proportional representation was passed in December 1916, by a vote of 2901 to 1344, and it came into force for the first time at the elections in December 1917. There were on that occasion, as there has also been at every subsequent election, only two candidates for the office of mayor, and the new system did not therefore affect it. A total aldermanic vote of 5189 was polled, and, as it happened, the candidates, who on the first count received the greatest number of first choice votes, were with one exception elected.

In the following year, all the candidates receiving the largest number of first choices were elected, although the subsequent counts made necessary to give the required number of candidates their "quota," brought about certain changes in the order of their election. This was again the result in 1919.

II

Very few objections have been raised against the new system. An inexperienced staff and the necessity of each ballot being scrutinized by the city clerk in person at first made the counting a long and tedious affair lasting well into the next day. Time has removed the first objection as the staff of assistants, now more experienced, have overcome the initial disadvantage under which they labored. Owing to the necessity of a uniformity of ruling as to the validity of doubtful ballots, it is still found necessary for the clerk to scrutinize every doubtful ballot. Every year, however, the voters understand the method better, and the number of spoiled ballots, at first considerable, is decreasing steadily.

The chief objection was psychological in nature: in 1917 and 1918 the ballots were printed with the candidates' names in alphabetical order. It was found that the first few candidates, whose names, by virtue of their initial letter, appeared at the top of the ballot sheet, were invariably elected by a very large number of first choice votes. The electors appeared to be unable to do otherwise than to number their preferences from the top of the sheet downwards. In 1919 this difficulty was overcome. The order of the names on the ballot sheet was so arranged that each name was printed at the head of the list on an equal number of ballots, *i.e.* the first one hundred ballots were printed with the names in order,—A. B. C.—X. Y. Z.; while the next hundred would be printed Z. Y. X.—C. B. A., and so on.

There have been no radical changes in the composition of the aldermanic council since 1917. Proportional representation may be considered to have proved itself to be satisfactory. In some other Canadian cities, the last few years have seen the Labor party in complete control of municipal affairs. Since its introduction in Calgary, the labor representation has increased slightly, while men who received support from every element in the community, have been elected to preserve a fair balance between the extreme opposing interests of the merchants and of the workers. This is as it should be in a town where these two elements are very evenly matched in strength. The result is that for the past three years Calgary has had a council which represents to the fullest extent possible the various constituent parts of the community.

# CITY AND COUNTY CONSOLIDATION FOR LOS ANGELES

BY G. GORDON WHITNALL

THE city of Los Angeles, with its satellite cities and other areas contiguous, forms a metropolitan district. Within this area all communities are confronted with several common problems of which water supply is probably the most acute. This is followed closely by the question of sewage disposal and then on down the list of health administration, highway development, policing, railroad terminal facilities, harbor facilities, school administration, tax assessing and collecting etc.

### CENTRAL ADMINISTRATION OF UTILITIES NEEDED

At present, and for all time, the water supply for this larger metropolitan area consists of the Los Angeles aqueduct supply and the rainfall on the surrounding watershed. The ultimate needs of the district cannot be met by either of these sources alone. Both sources, in fact, will be adequate only by the economic administration of the total available supply. At present the city of Los Angeles administers by far the greater volume of water supply over a major portion of the area within the district. Eventually, some form of central administration of this essential utility will be required both from the standpoint of economy and conservation. The same principles apply with equal force to the centralized administration of other common utilities and services, all of which, with few exceptions, are now cared for by many smaller units.

The result of these conditions, which have been recognized for years, has been a growing agitation for city and county consolidation. The situation in Los Angeles however has been particularly difficult in that complete consolidation by legislative or other enactment is impracticable by reason of the stupendous size of the county. To make all of Los Angeles county a municipality would doubtless result in as many drawbacks as the present condition. Complete consolidation in the accepted sense of the word, involves a partition of the county and at present the sentiment against that has prevented definite proposals.

### BOND DISTRICTS A SUBSTITUTE FOR BOROUGHS

One other obstacle here, and probably in other places where separate autonomous municipalities exist in a given county, is the sentiment against loss of identity that might result from a pooling of interests under complete consolidation. A borough system of government hardly meets the needs as, within a given borough, the restrictions are as arbitrary as in a city at large. This problem has been partly met through the medium of a district bond act under which any given portion of the municipality can undertake any venture that the city as a whole would be permitted under law. Under this plan, it is possible, and has already occurred, that many districts within the city overlap. Each such district is coextensive with the limits within which a given undertaking is launched

and in this way the initiation of sectional activity is made very flexible. There are several instances of districts originally separate municipalities but now part of Los Angeles, where, by reason of this local freedom, the individuality of the district is not only maintained, but increased, with the added advantage of central administration of the usual functions of government.

### TENDENCIES TOWARD CONSOLIDATION

During the growth of sentiment that will make possible an "out and out" consolidation, there are a number of tendencies at work that are leading to that goal. Important among these is the practice of municipalities delegating to the county certain of their functions. Prominent in this list is the function of tax assessing and tax collecting. Of the thirty odd cities within the county at present, over twenty now have the county do all their assessing and collecting of taxes. Charities are in some instances consolidated and health matters are now crowding for attention.

A second simplifying practice is the consolidating of municipalities and the annexing by them of unincorporated territory. Los Angeles is not alone in the practice. The result of this work is the gradual reduction of the number of units that must ultimately be considered when complete consolidation is attempted.

Los Angeles of course has led in the process of annexations. This it has done with a definite policy always in view. Our endeavor is eventually to include in one unit all of the area within which the larger municipal problems previously mentioned are a common concern. The urge that prompts smaller communities to consolidate with Los Angeles differs in different cases. Usually it is done as a means of acquiring a more ample water supply; sometimes as a means of reducing local taxes; in others as the solution of sewage disposal difficulties. Such districts, when becoming part of the city of Los Angeles, assume their proportionate share of the city's bonded indebtedness for its aqueduct, its harbor and its power system—three utilities of common benefit to the whole metropolitan area. At present, the city comprises approximately one half of the territory included in the metropolitan district and there are projects in varying stages of progress that, if annexed, will increase this area to about three fourths of the whole.

### THE PROBLEM OF THE SUBURBAN DWELLER

There is one other factor however of equal, if not greater importance to us. That is the problem of retaining within the city, that ever increasing element of its population that, because of modern transportation, finds its way beyond the city's limits to locate its residence and comes to town only to transact its business. This process, if allowed to progress unhampered, would eventually leave in control of municipal governmental affairs a very high percentage of transient population. The more substantial, home owning and children raising element of our population would go beyond the influence of the city and the city in turn would lose the leavening influence of this group in the affairs of the city. In general we consider it fair to assume that a distance not too great for people to travel daily to and from their work, is a distance over which a city not only can afford, but *must* extend its limits and incidentally its administration. Through such a policy a municipality retains a balanced population that will

be truly representative of a typical American community at its best. Observation seems to warrant the belief that the element of a city's population that daily migrates or commutes to the outer reaches of the metropolitan area, is the more progressive element. It would follow naturally that to retain this element in active control of the city's affairs cannot but redound to the city's benefit and it is upon that policy that Los Angeles is endeavoring to effect complete consolidation within that portion of the county comprising the metropolitan district. Piece-meal consolidation of small areas and the gradual consolidation into the county of certain municipal functions are but steps in the right direction. Whether they ultimately effect the desired result or not is not as important as the fact that the demonstrations thus effected of efficiency and economy tend to enlist the support of ever growing numbers to the policy of complete city and county consolidation by some more drastic means yet to be devised.

# OUR ANNUAL MEETING AT INDIANAPOLIS

BY FERDINAND H. GRASER
*Philadelphia*

A CONVENTION notable for the number in attendance, for the sustained interest of its sessions, for the high character of the discussions, in which varying points of view were ably brought forth, was that at Indianapolis, Indiana, November 17, 18 and 19, 1920, marking the twenty-sixth annual meeting of the National Municipal League. Some of the sessions were held jointly with The Governmental Research Conference, National Association of Civic Secretaries, Indiana Association of Commercial Secretaries, and Indiana Municipal League. The Chamber of Commerce of Indianapolis acted as host, and all the sessions but one were held at the Claypool Hotel. The local papers, as well as certain journals in Detroit, Chicago and Cincinnati, were generous in space devoted to the discussions.

## THE MODEL STATE CONSTITUTION

The outstanding constructive feature of the convention was the progress made in the model state constitution. The League's committee on state government presented the report which was printed in these columns in the November issue, and asked for suggestions for future guidance along certain lines. Brief arguments, conducted at times not without spice, accompanied each suggestion, after which a series of advisory votes was taken in order to get the sentiment of those present. Here, as at the other sessions of the convention, it was noticeable that the delegates came to the Indiana capital for business, and not just for talk. The number of two-by-three conferences in corridors was negligible; all were anxious to listen to and to take part in the main discussions on the floor. Ex-Justice Charles Evans Hughes, president of the League, found it so interesting that he gave up the privilege of presiding in order that he might advise the committee from the floor, and his long experience in political affairs, city, state, and national, was of the utmost benefit to all in keeping the discussion within the realm of practicable action.

When the show of hands was called on specific propositions, sentiment was 20 to 1 in favor of an elective legislative body, chosen by a system of proportional representation; and the same vote favored a legislature of one house, instead of the present bi-cameral system. A two-year term for the legislators was favored as against a four-year term, and no one favored a term of one year. The delegates were not ready to approve a scheme by which the governor might dissolve the legislature and call for a new election, or by which the legislature itself might call for an election in the event of a dispute with the governor, in order to bring the issue before the voters. Those present also disapproved embodying in the model state constitution the essential features of cabinet government. Sentiment was practically unanimous in favor of a term of four years for the governor, while the question of holding sessions of the legislature at intervals of one year, or longer, was solved by leaving the actual interval a blank, so that each state could suit its own conditions. A good-sized majority voted in favor of the legislative council set forth in the committee's report.

The delegates felt that the proposed secretary of the legislature should be elected by the legislative council, rather than by the legislature itself; and that the chief accounting officer of the state should be chosen by the legislature, rather than by popular election, or by appointment by the governor. A suggestion was made, but not voted upon, that a provision be inserted in the constitution calling for an unnual audit of state department accounts. Provisions for the referendum of bills failing of passage by the legislature, provided one-third of the members voted for such bills, and also for the referendum of bills not approved by the governor, were unanimously approved.

### GOVERNMENT AND HOUSING

Government aids to housing projects were studied at the opening session, Wednesday morning, November 17th. England's example in this respect was described rather pessimistically, by Lawrence Veiller, secretary of the National Housing Association, who disapproves of direct government loans to housing projects, but believes that prices of materials and of labor might be kept within bounds by government action, and that then it will be easy to get private capital for building. Exactly the opposite ground was taken, and vigorously championed, by Spurgeon Odell, of North Dakota, and by Thomas Adams, town planning adviser of Canada. Mr. Adams said that England's willingness to spend $100,000,000 a year for sixty years, if necessary, grows out of fear of revolution unless the housing problem is solved.

### THE PUBLIC SERVICE

"The Crisis in Public Service" formed the subject of discussion at the second session, following a joint luncheon with the Governmental Research Conference. Luther C. Steward, president of the National Federation of Federal Employes, told how congress had authorized the formation of his organization by act of August 24, 1912, and he said it now represents several hundred thousand men and women. He made a number of suggestions as to how a better business arrangement might be made between the government and its employes. He pointed out that the American Federation of Labor, with which his organization is affiliated, has no power in itself to call

a strike, and that the National Federation of Federal Employes in its constitution provides that under no circumstances shall its locals take part in or assist any strikes against the federal government. The most vital need at present, he said, is the reclassification of all government employes, with a scientific study of their work and their compensation. The chief motive in the minds of the federal employes in affiliating with the A. F. of L. was to emphasize the fact that toilers with the brain, as well as with the hand, are all "workers." Other speakers were Albert S. Faught of Philadelphia, who opposed the right of governmental employes to organize; and Dr. William E. Mosher, who outlined the next step in civil service reform.

### THE BUSINESS MEETING

The annual business meeting of the League followed an informal dinner at the Claypool Hotel on Wednesday evening, November 17. Mr. H. W. Dodds presented a verbal report as secretary. He showed that, in common with other civic organizations, the League has had to fight hard financially, but has not curtailed or restricted its activities in the least. The plan for closer co-operation with the American Civic Association (described elsewhere in this issue) was outlined by Mr. R. S. Childs and approved by the members.

### HOW THE CITY MANAGER PLAN WORKS

City managers had their inning at their opening session on Thursday morning, and scored some good hits. They had come up from their annual convention at Cincinnati. Dr. A. R. Hatton, field director of the League, opened the discussion. Illustrations corroborating his views were presented by Harry H. Freeman, city manager, Kalamazoo, Mich.; C. M. Osborn, city manager, East Cleveland, Ohio, and O. E. Carr, city manager, Dubuque, Iowa. Mayor Charles J. Hodges, of Gary, Indiana, declared that the managers were only putting their best foot forward, and a different showing would be seen if the best of the administrations of the old type were to be compared with the worst of the new, instead of *vice versa*. He claimed that all the nice things said about manager cities could be said about some of the cities he knew, governed by mayors and councilmen, and concluded, "I fail to see any special advantage of one form of government over another." Others however, quoted specific cases of improvement where cities had changed to the manager plan, and pointed out that when the change was once made, no city had ever voted to go back. Col. Henry M. Waite, former city manager of Dayton, Ohio, concluded the discussion by saying, "I do not say that the city manager plan will always be the best, but I believe that to-day it is the best bid for good government; you can accomplish more things; you can accomplish them easier, with less resistance, because you have a business form of organization. Decentralization is the great trouble with our city governments to-day. You cannot chart them."

A joint luncheon with the National Association of Civic Secretaries followed, the subject of discussion being methods whereby civic organizations influence elections.

### THE DIRECT PRIMARY

Of all the sessions, that which attracted the largest number of men and women residents of Indiana was that devoted to the fate of the direct

primary, in the Chateau room of the Claypool, on Thursday evening. Governor James P. Goodrich, of Indiana, presided, and the addresses were made by President Hughes and Prof. Charles E. Merriam, of Chicago University. Dr. R. S. Boots, secretary of the Committee on Electoral Reform, said the committee believes that some method of party enrollment is essential, but it should be kept secret. Further tentative proposals were that the voter be allowed to place his enrollment on a designated form in an envelope, to be preserved from the general election until the time of the primary, and then to be opened. Party committeemen might be placed on a separate ballot at the primary election. So-called "party representatives" might be selected at the general election, who might choose party candidates and thus save the cost of a primary where it is not necessary.

THE LAST DAY

It was very hard to get anyone away from the Friday morning meeting in time for the scheduled luncheon. The topic was "Service at Cost for Street Railways—Panacea or Nostrum?" The varying experience of cities in different parts of the country was presented in a most illuminating way by Hon. Fielder Saunders, street railroad commissioner, Cleveland, Ohio; Hon. James F. Jackson, chairman public trustees, Boston Elevated Railway, who presented the merits of the state trustee plan; Hon. E. I. Lewis, chairman public service commission of Indiana, who told how Indianapolis was still able to get along on a five-cent fare; and Hon. Charles M. Fassett, ex-Mayor of Spokane, who described Seattle's experience with municipal ownership.

At the joint luncheon with the Indianapolis Chamber of Commerce on Friday, George B. Ford told of the replanning of the devastated areas in France.

The final session of the convention, held Friday afternoon, was devoted to city-county consolidation. The gratifyingly large attendance kept up to the end. The last session was distinguished by the fire and snap of the discussions.

# THE BUDGET OF THE CITY OF TOURS

BY T. L. HINCKLEY

*The author, a member of the A. E. F., was stationed at Tours. The comparison of a typical budget of a French city with that of an American city is a picture of the municipal life of the two nations.* :: ::

I

Budget-time in American cities is just passing, and it may be a consolation to our municipal statesmen to know that in other parts of the civilized world the same worries and the same kinds of difficulties that they are experiencing are, with modifications, consuming the attention of their foreign colleagues.

Europe is the home of the budget and it is to Europe that we have looked in the past for guidance in budget-making. Our models have been largely English and German, so possibly a few random notes concerning the budget of a typical French provincial

capital may have comparative interest, at least. In this connection the budget of the city of Tours, in central France, affords at once an example of a standard French municipal budget and an illustration of the fact that a standard budget procedure, based upon experience, is one of the surest means a city can provide to stand the test of abnormal and critical times.

The two budget outlines given below, one for 1913, the year before the war, the other for 1918, the last year of the struggle, are so nearly alike both in form and amount that one has difficulty in realizing the great difference in the conditions under which they were prepared. In 1913 Tours was a quiet, contented and prosperous city of about 90,000, with vineyards, truck gardens and tourists as its main concerns; in 1918 it was a city that had seen its manhood drained off to the last able-bodied soldier, its population increased by many thousands of refugees, not to mention American S.O.S. troops, and its resources put to the breaking strain. Yet in spite of all this, the financial and administrative soundness of the municipality were such that no appreciable trace of these difficulties can be found in what must be regarded as a typical war budget.

It is of course unnecessary to state that in France municipal budgets are controlled as to their total amounts by the central government, acting through the prefect of the department; they are also "executive" budgets, being prepared by the mayor, through the secretary general, and approved successively by the city council and the prefect. The two examples given to the writer show identical amounts for mayor, city council and prefect; whether some intermediate estimates once existed, and were later modified in discussion, does not appear, but the chances are against it, especially as regards the war budget of 1918.

Estimated revenue, as well as estimated expense, forms part of the normal French budget, and the two sections are usually prepared in equal detail. All such budgets are also "balanced"—the totals for estimated receipts are the same as those for estimated expenditures. They are partially segregated in form, the 1918 Tours budget containing 222 titles. Supporting details, salaries and wages, in particular, are listed on the pages but do not form part of the items as approved by the council and prefect.

II

Following is a summary of the estimated expenditures for Tours for the years 1913 and 1918:

| ITEM | 1913 | 1918 |
|---|---|---|
| First Section—Ordinary Expenditures: | | |
| 1—General Administration | Fr. 472,289.00 | Fr. 500,303.00 |
| 2—Public Works, incl. Outlays | 778,525.14 | 844,191.21 |
| 3—Military Expenses | 49,350.00 | 54,120.00 |
| 4—Charities, Pensions, Welfare Activities | 593,043.50 | 603,275.80 |
| 5—Education, Beaux Arts | 615,338.50 | 726,700.50 |
| (Primary Schools) | (331,370.00) | (416,925.00) |
| (Secondary " ) | (90,185.00) | (89,705.00) |
| (Special " ) | (44,372.50) | (49,179.00) |
| (Beaux Arts) | (90,433.00) | (20,000.00) |
| 6—Festivals, Emergency Fund of the Mayor | 21,000.00 | 20,000.00 |
| Second Section—Extraordinary Expenditures: | | |
| Interest on Loans | 615,179.72 | 637,315.54 |
| Grand Total of the Budget | Fr. 3,144,725.86 | Fr. 3,385,906.05 |

The close agreement of these two budgets, both as to form and amount, has already been noted. As a matter of fact, there are 201 titles in the 1913 budget and 222 titles in that for 1918; the salary increases of municipal employes explain by far the greatest proportion of total increases. So nearly alike are these two documents that one might almost substitute the one budget for the other without doing

violence to the financial program of the city of Tours—a possibility which marks at once the conservatism of the old-world city as regards outlays for the public welfare and its prudence and reliability in money matters.[1]

As to the total amounts represented by these budgets, they seem very small when compared with municipal totals for the United States, even without reference to present exchange rates. The per capita estimated annual expenditure of Tours for 1918 (assuming a population of 110,000) figures out at about six dollars! Contrast this with the corresponding figure of $27.50 for American cities of the same size.[2]

III

More to the point than the actual figures of the budget are the proportional expenditures proposed for the several purposes of the city government. The comparison between these proportions and the corresponding proportions for eight American cities of the same average population, Trenton, N. J., Lowell, Mass., Hartford, Conn., Youngstown, O., Fort Worth, Tex., Reading, Pa., Springfield, Mass. and Camden, N. J., is as follows:

PROPORTIONS OF EXPENSE FOR GENERAL MUNICIPAL PURPOSES

| Item | City of Tours Budget of 1918 | Eight U. S. Cities in 1918[3] |
|---|---|---|
| General Government | 16.9 Per cent | 30.6 Per cent |
| Public Works, including permanent improvements | 25.0 " | 32.0 " |
| Public Welfare, including Health Hospitals and Charities | 17.7 " | 3.5 " |
| Education | 21.6 " | 23.2 " |
| Debt Service | 18.8 " | 10.7 " |

This comparison shows that if Tours is to be considered a representative French city, then such a city spends less on its general administration, public works and more on public welfare activities and public debt, than do cities of the same size in the United States, while educational charges seem to be about the same. We should expect that an old civilization would be able to accomplish its routine administrative work at less expense than our new and expanding society; we should also expect that public improvements, owing to the settled state of development of the country, would show a reduced scale of expenditure; but it must be rather surprising to learn that our welfare budgets lag behind those of Europe, judging at least by this example. And as for interest on borrowed money, which is the chief component of the debt service, it seems that we may not be so badly off, after all, altho it will be seen later on that while this particular French city spends largely on interest it also collects large amounts from its investments—an indication of greater financial activity.

Much could be written concerning the individual items of the Tours budgets which tend to illustrate the differences in method and in principle between French municipal government and our own. A few cases in point may be of interest. Thus in the police department we find that the city provides all uniforms but that each policeman pays the city 120 francs a year for this purpose; the city paying for all repairs to same. Fire department expenses are included in "military expenses" as are also certain subsidies granted to private societies interested in raising carrier pigeons. Welfare activities include venereal clinics, prenatal care, public hot water baths, assistance to all classes of handicapped individuals, subsidies to institutions, the maintenance of work yards for the unemployed during winter, creches,

[1] Not to mention the effect of the war.

[2] U. S. Census Report for 1918; items 55–62, inclusive, of Table IV.

[3] U. S. Census Reports for 1918. Table XII.

personal pensions, etc. Worthy students in the schools are assisted, selected students in the art courses are sent at municipal expense to the great national schools at Paris. Money prizes are offered by the municipality to stimulate pupils in the public schools. The city operates a municipal abbattoir. Special sums are set apart for public fetes. Musical societies are subsidized. Last but not least the city owns and operates a splendid municipal theatre. A very pronounced feature of these Tours budgets is the great number of trust funds which are administered by the city in the interest usually of some social or artistic development.

IV

Turning lastly to the "receipt" side of the Tours budget it is to be regretted that the actual sheets for the years cited in relation to proposed expenditures have been lost. Only an approximate idea can be given of this feature —the major feature as far as the conscientious public official is concerned. And another year—1911—must be used; but the totals are so nearly those of 1918 that it may be assumed that no great differences in their composition exist.

For the year specified the estimated receipts of the city of Tours were:

| | | |
|---|---|---|
| From taxes, including certain licenses, also fines | Fr. | 416,195.04 |
| From subsidies and bequests | | 233,902.97 |
| From municipal enterprises, permits, and the octroi (local customs) | | 1,998,210.45 |
| From the street railway* | | 408,379.89 |
| From interest on investments | | 236,987.53 |
| From miscellaneous sources | | 12,202.23 |
| From special assessments | | 25,429.27 |
| Total estimated receipts | Fr. | 3,331,307.38 |

* This item also includes an unexpended balance from the previous year.

Owing to fundamental differences between the status of municipal corporations in France and those in the United States, it is impossible to complete the analysis of the above figures within the limits of this article. Certain outstanding features can be noted with profit, however, chief among which is the extremely small proportion of the municipal revenue which is raised by taxes and assessments. In the eight American cities taken for comparison in regard to their expenditures the average proportion of income from taxes and assessments is 78 per cent;[1] for Tours the corresponding percentage is 13! Stated in general terms, this means that Tours levied upon its citizens for only about one-seventh of its total budget; it earned, in various ways, the other six-sevenths. It thus appears that this municipality is to a large extent a self-sustaining enterprise.

Taxes being lower than in American cities of the same size, it follows that the other sources of revenue must be greater. The comparative figures show that Tours receives in grants, gifts and subsidies and in interest, about twice as much, proportionally, as the group of cities already referred to.[2] The details applying to the large item "Water rents, local customs (octroi), markets, abbattoir, school fees" are unfortunately lost, but, if the writer's memory serves him correctly, the octroi item is by far the largest component; there is of course no item in an American city budget with which this survival of the age of feudalism can be compared. In the absence of explanatory data a further analysis of the figures for estimated receipts would not be of value.

As to what inspiration, if any, this budget of Tours offers to an American municipal specialist, it would seem that there is nothing new involved, but that its chief service is to emphasize points of great importance to all

[1] U. S. Census Reports for 1918: Table XI.

[2] Table XI U. S. Census Reports 1918.

concerned with the proper administration of city finances. Tours gives us a model "executive" budget, ample details supporting the salary requests and clear explanations of items presented as lump sums. The two sections of a correct budget, revenue as well as expense, are presented in equal detail. So much for the form. As to content, we see that, owing to careful financing, the city is able to provide six-sevenths of its funds without levying upon the citizen body, a fact which has tremendous significance to American cities, forced as they are to levy upon the citizen body for much more than half of the total sums needed.

Indeed, it might be said that in this simple relation of taxes to other sources of revenue is contained the entire theory of municipal government. Are we to keep our cities in leash, in an economic sense, or are we going to provide them with substantial independence so that they may be free to develop their resources and use their financial and social advantages with as full an initiative as the private corporation? We have given cities home rule but have we shown them sufficiently how to use this great lever to lift themselves out of the financial mire and acquire, like Tours, a substantially self-supporting basis? Can we now apply the energy we have shown in solving problems of *internal* efficiency to problems of *external* efficiency, so that the American city of the near future may take its place not only as a living, responsive, social organism but as a successful economic enterprise as well? It is along lines such as these that the consideration of a municipal instrument such as the budget of Tours may be found to have suggestive value.

# HOW THE UNITED STATES CAN HELP BUILD HOMES

BY STEPHEN CHILD

*Landscape Architect and Consulting Engineer, Formerly District Town Planner, United States Housing Corporation*

*A defense of the war housing work of the federal government and a proposal to capitalize the war experience.* :: :: :: ::

I

From all over the country, in fact from all over the civilized world comes the cry for houses and more houses. And why not, when during the past five years so many have been destroyed and so few new ones built! In this country during this period the building of new houses suitable for workers has been practically at a standstill, has amounted to less than one per cent of the normal increase of such building, and to this new building the federal government itself through its several war agencies has been the principal contributor. How can this invaluable experience accumulated in Washington in the course of its war housing work, be placed at the disposal of a house-hungry Nation? It is believed by many that the answer is the enactment of the Tinkham Bill which provides that there shall be "created in the Department of Labor a Bureau of Housing and Living Conditions, which,

for the purpose of increasing the productive capacity and well-being of workers and of promoting good citizenship, shall be charged with the duty of

(a) Investigating the housing and living conditions of the industrial population;

(b) Conducting research and experimentation looking toward the provision and publication of such information as will make economically practicable the elimination of slums, the improvement of living conditions, the reduction of the construction cost of dwellings, and the financing of extended home-building operations without federal appropriation;

(c) Assisting communities during the present housing shortage in making available to the utmost extent all existing housing facilities; and

(d) Serving as a clearing house of information on housing and living conditions."

Section 2 of the bill provides "That to this bureau shall be transferred the collections of plans, books, pamphlets, reports, and other material gathered by the United States Housing Corporation and by the Housing and Transportation Division of the Emergency Fleet Corporation which would be of use for the purposes of the Act."

II

The acute problem of war-time housing shortage was attacked by three organizations, the United States Housing Corporation, an executive agent of the Housing Bureau of the Department of Labor; the Emergency Fleet Housing Corporation, a similar agency of the United States Shipping Board, and the Ordnance Division of the War Department. Of these three the Housing Corporation has recently issued a monumental report[1] literally a mine of information, and as this corporation was perhaps the most completely organized, a brief outline of its history and accomplishments may be in order.

In the early summer of 1917 it became evident that the production of munitions, ships, guns and supplies was being checked by bad housing conditions. "Shelves to sleep upon, or the three-shift beds which never cooled between use, food handled almost in troughs as for swine; the absence of bathing, resting, and recreation facilities; transportation to and from work in continuous discomfort—all these conditions made big pay a mere incident of discontent and migration from one job to another in the hope of finding some place fit to live in." The managers of the industries involved could not possibly solve the problem,—no private initiative could and the government was simply forced to take it in hand. The reports above mentioned give the results of a portion of the government's endeavor.

An entirely new organization had to be assembled, the initial steps being taken by the Committees and advisors of the Council of National Defense. Headed by Mr. Otto M. Eidlitz unpaid volunteers began collecting data and to outline procedure. After many months, in March, 1918, congress appropriated $50,000,000 for houses for ship workers, and until the Shipping Board established its own organization Mr. Eidlitz and his collaborators aided them in an advisory capacity. But the study of the problem of housing for other war workers was continued,

[1] Report of the United States Housing Corporation. (U. S. Bureau of Industrial Housing and Transportation.) Vol. II. Washington, Government Printing Office, 1919. 524–xix pages. Illus. plans. 11¾ x 9 inches. Price $1.50.

a tentative scheme of procedure was prepared and some of the most pressing housing shortage situations investigated,—expenses being paid from the President's emergency fund and the Navy Department. Finally, June 18, 1918, real authority was given to expend $60,000,000 (appropriated June 4, raised to $100,000,000 July 8) "for the purpose of providing housing, local transportation, and other general community utilities for such industrial workers as are engaged in arsenals and navy yards of the United States and industries connected with and essential to the national defense, and their families * * * only during the continuation of the existing war." But not until July 25, 1918, was the United States Housing Corporation, created as an executive agent of the Housing Bureau, and authorized to expend these funds for actual acquirement of land and for construction. Between this date (July 25th) and the armistice, in 109 days, this Corporation produced completely worked out plans and specifications for 83 projects, its work extending as far afield as Puget Sound and New Orleans,—Bath, Maine, and Mare Island, California. For 60 of these projects, involving an estimated expenditure by this Corporation of $63,481,146.65, construction contracts had already been let on November 11th, a very remarkable record. The story of how it was done is an interesting one.

Applications for aid poured in, a steady stream of them, and all were listed and taken up in the order of their apparent importance. First a preliminary investigation on the ground was made, the investigator canvassing the situation as completely as possible, consulting with manufacturers, laborers, civic organizations and so on.

In the meantime the Washington office of the Corporation was being organized, various divisions were established, including architecture, engineering, town planning, legal, real estate, transportation, homes registration and later operating, and other divisions; each with recognized experts at the head and a suitable staff of assistants.

The preliminary investigator's report was given full and searching discussion by the chief and division heads. If the need was proved an allotment of funds was made, not always for new houses, however. Sometimes war contracts were placed elsewhere, again private enterprises were encouraged, all present housing was to be improved and made available and transportation facilities increased. If these combined did not solve the problem new house construction *was* authorized, never, however, in sufficient quantity to completely serve the need of any one community, but enough to help hold the most needed workers and never more than would be useful and valuable after the war.

A "real estate scout" was sent out and the vacant land question thoroughly sifted. Following his report again made to an inter-departmental committee of the corporation at Washington, "a second investigating team" was sent, usually composed of one man each from the architectural, engineering, town planning and real estate divisions, with a man from the transportation division when needful. The homes registration division in the meantime was busily at work listing all room vacancies in the community.

When this "second investigating team", arrived in the town each took up his special line thoroughly, the team meeting evenings to co-ordinate results, one member being appointed captain and all joining in formulating the report, covering the number and

kind of houses to be built, the site or sites best suited and many other details. This second investigating team report was of utmost importance and while it was reviewed by the Chief and department heads of the Housing Corporation, and if found advisable modified, it usually became the basis of future action.

The site and size of the job thus determined, the next move was the appointment by the Washington office of a committee of designers, usually three, an architect, an engineer and a town planner, these three being held responsible jointly for the project. The Washington office helped them with standardized data and requirements, and with these, followed by study on the ground a preliminary plan with estimates was submitted, again to the chief and department heads of the Housing Corporation. Many were the alterations and adjustments made at this stage, to make sure there were no inconsistencies, overlaps, or omissions.

Then came final plans and specifications and following further conferences at Washington over these, contracts were let, under a practically graft-proof form of contract which had been carefully worked out. A requirement division was organized, estimating standards determined and all materials at a fixed price purchased through the construction division of the army. In the meantime of course the real estate division had negotiated the acquisition of the site or sites decided upon.

A project manager was now appointed for each job to co-ordinate the work of the corporation, designers, contractors and sub-contractors, eliminating as far as possible all friction and delay.

Contracts let, material ordered and work started, the committee of designers selected a works superintendent, who after approval by the Washington office, was given supreme charge of construction on the job.

All this organization had to be rapidly assembled and much of it was worked out as the program developed, but in spite of occasional misunderstandings, and duplication of fields of work, on the whole one of the most striking accomplishments of the corporation was that through a necessarily complicated co-operation of many hundreds of people who, for the most part, had never worked together before, with almost no delay due to personal friction, it produced in 109 days, the remarkable results already noted.

III

In serving its war purposes the Housing Corporation and the United States Shipping Board have together produced and in a measure compiled, as by-products, by far the largest and best organized collection of information in existence on contemporary American industrial housing, town planning and related matters. The recent Housing Corporation report sets forth all too briefly only what this organization has done—no similar record has been published by the Shipping Board. The proposed housing bureau or service (a better term) should no doubt first make a careful analysis of all this compiled data and publish its conclusions; something there was no opportunity to do in the rush of closing up affairs.

Let us suppose such a housing service authorized and effectively organized. This is perhaps neither the time nor the place to outline in detail its organization, but it would no doubt include a Director and various appropriate division heads. Their first duty would be the above mentioned careful analysis of accumulated data.

Without doubt such a service would immediately be flooded with requests for aid and advice. One cannot take up a paper without reading of the more or less intelligent efforts that are being made all over the country to relieve serious housing troubles. The chambers of commerce, boards of trade, or real estate boards of most of our large cities, as well as individual manufacturers, large and small are struggling in a tangled morass of difficulties and all would welcome the expert advice this service would be so well able to give.

Let us set our proposed service to work in aid of a manufacturing city suffering as what one is not from housing trouble. No doubt such a community if it is at all progressive, has already done some investigation work, but there is an honest difference of opinion as to what to do next. A communication is sent to the housing service stating the facts as they exist, and the need for advice established a preliminary investigator, a man trained by war-time experience is sent to our city. After canvassing the situation, consulting with officials, manufacturers, laborers and various organizations, he reports his findings to the Washington office. The director and heads of divisions there, men of broad vision and thorough training will be able, after full and searching discussion, to advise our community in many ways. They may show, for example, how present housing conditions can be improved and made available, or recommend changes in transportation facilities. Homes-registration-bureaus established by the United States Housing Corporation and the advice of their transportation experts relieved a very large amount of the acuteness of war-time housing difficulties,—tided many a community over very trying situations until actual construction could really solve the problem. But no doubt this is not sufficient for the case in hand. Houses must be built, but of what type and where and whence the funds?

While the service at Washington can furnish no financial aid, a very wise provision, it can advise, no doubt, through the means of a second investigation committee, about methods of financing such undertakings, and about the selection and purchase of sites, particularly about types and styles of houses, furnishing reliable estimates of their cost, for while the government costs were inflated by war conditions, these can readily be scaled down to those of the present day.

The Federal war-housing agencies made a careful study of the recent growth of municipal utilities, prepared engineering standards in great detail, studied best methods of surface improvements, of drainage and grading, as well as the fundamental principles of street, alley, sidewalk, and lot planning. The second investigating committee with this data in hand and analyzed, can advise about all these, and particularly help our city co-ordinate its plans, advising its local committee of designers, undoubtedly needed if the problem is of any size.

When it comes to the question of type of dwellings and other buildings, it will be found that, our service has standard plans of bungalows, detached houses, semi-detached houses, two-flat houses, semi-detached two-flat houses, dormitories, cafeterias, schools and many "standard details," all ready and these are increased in value by the actual results of their use by the government.

Another matter to which the government gave careful study was "general appearance," considering its financial value, elements producing it, consistency in design, variety, and the

taking advantage of the natural features, together with the importance of the general effect of building. All these points can be advised upon in the light of actual experience in many sorts of problems. When there is any existing natural beauty, either on the land purchased or visible from it, it can be shown how to preserve it and display it to the best advantage. Fortunately, the roughest land, and that with brooks and large trees, is likely to be both the most interesting to look at and walk through, and the most expensive to build on, and so on both counts best fitted for public reservations, the most attractive of these areas can later be developed as parks and public spaces of various kinds, where these are needed.

The real estate division of the Housing Corporation accumulated some very valuable experience in regard to methods of purchase of land, and when our city is ready for actual work the corporation's experience with regard to forms of contract and of purchasing material will be valuable preventing serious and expensive mistakes. So all along the line, from start to finish, can this service help our city's housing needs.

IV

To be sure, the Housing Corporation was investigated, quite largely for political purposes. Among the other unfair conditions of this investigation, it is to be noted that the corporation was not allowed the privilege of cross-examination by its attorney and one morning only out of four months of questioning, was granted for the submission of rebuttal evidence, the conclusions of the report making no mention of this evidence.

The Senate committee's main criticism is that the United States Housing Corporation adopted in general a permanent type of housing, their alleged unnecessary excellence coming in for much sarcasm.

The question raised is a fundamental one; of special interest today on account of the housing shortage. England went into the construction of war housing to an extent many times greater than did this country, building houses on an even more permanent type than ours. Several private housing corporations, notably The Bridgeport Housing Company of Bridgeport, Connecticut, just prior to the time when this country entered the war built for the industrial workers of their crowded city a number of houses and apartments similar to those later on erected in Bridgeport by the United States Housing Corporation.

The question was carefully considered, by the government experts, whose judgment may well be considered to be better than that of the Senate committee and its clever attorney. The war loss to the government in dollars and cents will probably be about the same in the case of the permanent and temporary housing. But, in the case of the permanent structures there is something very definite and useful left to show for the money spent. The salvage value of the temporary houses is very slight, whereas they require almost as great an outlay for "utilities," sewer, water supply, drainage, paving, lighting, etc. In other words, the government has secured, without extra expense, the incidental salvage of having created a decent American home. Of all assets which the country has today, none is greater, none is needed more than good housing and the individual ownership of homes which create loyal and useful citizenship. There was nothing to warrant the United States Housing Corporation to a procedure of filling up some

of the best towns in the United States with a lot of cheap hovels which would have degenerated into slums and which would have been a disgrace to many cities now provided with decent government housing. The type of the house built was the type demanded and ready to be paid for by the skilled worker. He is doing it. All of the first-class houses built by the Housing Corporation were filled up as fast as they were constructed. The last houses in demand by the tenants or by the prospective home owners, have been the cheap temporary houses recommended in the Senate committee's report. "Furthermore this government housing will long out-last any of the other physical things constructed for the war. In 15 or 20 years the battleships will be scrapped, the guns and forts will be out-of-date and nothing will be left except these towns, and in 20 years they will only have begun their usefulness both for their own inhabitants and as examples for the country."

The United States Housing Corporation has completed construction of houses and apartments for 6,000 families and quarters for some 8,000 single workers. Out of a possible occupancy returning at the rate of some $2,200,000 per annum it has rented houses under an annual rental of $1,985,000. It has sold to good advantage a large amount of movable property and has adjusted all cancelled and curtailed contracts.

By June 30, 1920, the United States Housing Corporation will have completed the bulk of its task of converting its properties into securities. There is every expectation that the total return to the United States Treasury will be:

| | |
|---|---|
| $32,500,000 | cash returned soon after the Armistice. |
| 10,000,000 | interest bearing securities of Transportation Companies. |
| 30,000,000 | cash and interest bearing mortgages on real property. |
| $72,500,000 | |

The remaining $27,500,000 must stand as a war investment. *A considerable portion of this was spent in making available suitable existing quarters and homes to thousands of essential workers through homes registration bureaus*, which the Housing Corporation established throughout the country. *Also, improved transportation facilities for many communities and the weeding out of non-essential demands for housing*, for construction of temporary buildings and for excess war cost all along the lines.

It is a fair question "What other war agency of like size has made so good a showing?"

With the reassembling of congress, after the heat of the campaign, it is reasonable to hope that attention may be concentrated upon this housing question and some such bureau or service, as is here outlined, established. It could do a great deal of good.

# THE FATE OF THE DIRECT PRIMARY

BY CHARLES E. HUGHES

*Being Mr. Hughes' presidential address before the Twenty-sixth Annual Meeting of the National Municipal League at Indianapolis.*

Democracy, after all, is but an opportunity. The common good cannot be achieved without expert leadership, and there is always the struggle to avoid the misrule of ignorance and passion and to prevent democratic forms from being subverted to selfish ends by the astute but unscrupulous. Government through political parties necessarily means careful organization for party success, and the control of this organization opens such broad avenues of power that, while we have had many high-minded political leaders, not less skilful because unselfish and patriotic, it has been the bane of our politics that leadership easily degenerates into bossism, which means control of political organization for illicit purposes—a self-perpetuated power maintained by creating or safeguarding privilege and through the procurement of legislative or administrative favors.

Happily we have far less of boss-rule than we formerly had. The influence of political organization, while powerful, is more normal and less sinister, and while corrupt alliances with enterprise still exist in a limited way, they have no such broad reach as in years past. This is partly due to drastic regulatory legislation and a variety of administrative agencies created to protect the public interest. It is also due to higher standards in the business world and to the fact that the people are more intolerant of the evil, more alert to detect it and have better facilities with which to combat it.

The direct primary was established as one of these facilities. It was a revolt against the abuses of the nominating convention, as that convention itself was a revolt against the former party caucus. At the outset, the local caucus, as has well been said, was "practically a town meeting" of the members of the party. Gradually there developed the legislative caucus, composed of members of the State Legislature, for the nomination of candidates for State offices, and the Congressional caucus for the nomination of candidates for President. At the best, the caucus was a meeting of the most experienced men in the party to select candidates. It gave opportunity for consultation, interchange of views by the well-informed and careful appraisement of candidacies. But, with an instrumentality of such great power, there was resort to every sort of chicanery to control it. Instead of being a servant of the party, it became its master. Its lack of responsiveness to the sentiment of the party members, and the opportunities it afforded for fraud and for corrupt bargains, outraged democratic sentiment and created an insistent demand for a more representative system. Still the nominating caucus had its strong defenders and it took a long and bitter fight to abolish it. The convention, with its representation by district delegates, was established

through a determination to give to the people the control of their government.

### THE ABUSES OF THE CONVENTION SYSTEM

But, in course of time, the convention system developed abuses. As population increased, delegates were not so well known to their constituents and the manner of their selection and their number made it easier for a few to control the party machinery. The absence of legal regulation gave opportunity for frauds at primaries and for arbitrary action in seating delegates. In the South, where nomination by the dominant party meant election, it was obvious that the will of the electorate would not be expressed at all, unless it was expressed at the primary. Hence, there arose strong opposition in the Southern States to the delegate convention and the demand that the voters should nominate directly. Dissatisfaction with the convention system became country-wide. It was due to the despotic procedure of political bosses, most conspicuous in large cities, although here and there, by their control of the machinery of conventions there was but a mockery of popular government in great States. The convention system came to be regarded as unrepresentative; its decisions were viewed as those of irresponsible rulers who distributed the great prizes of party nominations for State and local offices like feudal barons, exacting in return fealty and service. The spirit of democracy could not brook such a perversion of its institutions and various sorts of direct primaries, or the direct nomination of candidates by the voters, have been established throughout the country.

There has been a period of experimentation which has made it manifest that there has been a disregard of the essential requirements of a proper primary system. The methods which have been employed have disclosed grave defects and naturally there is widespread criticism. The question is, What is the remedy? Should the direct primary be retained? Or should there be a return to the old convention system? Or should there be a modification in an effort to secure the advantages of both? The question is one of the most serious importance and should be discussed dispassionately and in a practical way.

### PARTY RESPONSIBILITY THE GOAL

It may be stated in advance that, while there is much criticism that is well founded, there is also criticism that is misdirected or addressed to thoughtless and extravagant claims. It is a mistake to suppose that it is the proper object of the direct primary to destroy or impair party organization. Of course, we cannot have effective political action through parties, and party responsibility, which some of us at least believe to be highly desirable in this country, unless we have party organization which will respond to the exigency. It is a futile and unwise proceeding to attempt to break it down. The object of the direct primary, properly conceived, is to make party organization representative and responsible, to prevent its abuse, not to destroy its wholesome influence. Those who would use the direct primary to destroy party organization not only fail in their purpose, but they simply embarrass the efforts of those who are endeavoring to secure clean, wholesome and effective group action for political purposes.

If there is to be party organization, there must be party leaders; and if there are leaders, there will be fol-

lowers. It is idle to suppose that men can be persuaded to act differently in their political relations than in any other sort of organization. Leaders will have their influence, and so long as there is a common sentiment to hold a group together it is futile to suppose that the group will not respond to the suggestion of their leaders. The proposals that leaders make are naturally accepted, and the criticism that the direct primary does not prevent men of special talent in organization from leading those who want to be led is beside the mark.

The advantages of a proper direct primary system are these:

*First:* It places a weapon in the hands of the party voters which they can use with effect in case of need. They are no longer helpless. This fact puts party leaders on their best behavior. It is a safeguard to the astute and unselfish leader who is endeavoring to maintain good standards in line with sound public sentiment. It favors a disposition not to create situations which are likely to challenge a test.

*Second:* The fact of this control gives to the voters a consciousness of power and responsibility. If things do not go right they know that the trouble lies with them. The importance of this assurance should not be overlooked in any discussion of the apathy of the electorate.

The fact that the voters know that they are in control, that the machinery of nomination is not so contrived as to render them virtually powerless, but that they may assert their will immediately if they choose, is of the utmost importance in securing the foundations of a sound and stable democracy, with rational progress, and in protecting us against the assaults of those who would undermine all orderly government by fomenting bitterness of feeling by reason of the belief that our system favors government by a privileged class.

It is especially important to have this consciousness of power, of political control, in the voters, in view of the vast increase which we must expect in the authority of our chief administrators in State and city. I regard a proper direct primary system as the essential complement of the short ballot. I may assume, perhaps, that the most of us are agreed that democracy does not mean inexpertness in administration, that it is entitled to the service of the most competent, and that we cannot have the degree of efficiency in administration to which the people are entitled unless we have a suitable organization of government and centralized administrative responsibility. This means a few elected officers, upon the selection of whom the attention of the electorate can be focussed, and their complete responsibility for the conduct of government on its administrative side. But it is idle to expect that such a plan for centralized responsibility in State government will be tolerated if the nominations for offices of such great importance are not subject, in some effective manner, to direct control by the party voters. I shall presently have something to say of the importance of method in securing this control so that men of exceptional capacity will not shun political activity. But the point I desire now to emphasize is that it is conducive to the public security, and to the establishment and maintenance of a sound administrative system, that the voters should have the consciousness of power, and of immediate control and responsibility, with respect to the selection of candidates for office.

The question is whether this result can be achieved without paying too

great a price for it, and without creating the difficulties to which present direct primary methods have given rise.

### PARTY ENROLLMENT

There is one defect in the present system, as it exists in certain jurisdictions, which can easily be remedied. That is the failure to have a suitable party enrollment as a qualification for voting at the primary, with the result that those affiliated with one party can determine the nominations of another party. This is to make a travesty of party representation. It is to confuse party nominations and independent nominations. There should, of course, be opportunity for independent nominations, but it is absurd to permit Democrats to determine who shall be the candidates of the Republican Party or *vice versa*. So long as we have parties, the members of the party should be permitted to choose its representatives, and any system which virtually destroys this opportunity by opening the primary, which is to determine the party candidacy, to the adherents of another party is to bring the primary into contempt. It is not difficult to have a system of enrollment by which those who are generally affiliated with a party may declare their intended adherence and have the privilege of participating in the selection of candidates accordingly.

### SOME CRITICISMS

Apart from this remediable evil, the important criticisms of the existing direct primary methods may be grouped as follows:

(1) That the direct primary overburdens the election machinery, by requiring two campaigns;

(2) That it entails heavy expense;

(3) That it ignores the necessity for consultation and conference in the selection of candidates;

(4) That it affords no suitable opportunity for the formulation of party platforms;

(5) That it aids the efforts of self-advertisers and demagogues;

(6) That, even in the case of those who are not to be so characterized, it leads to unseemly appeals for personal support, especially in the case of candidates for judicial office;

(7) That frequently men who would be desirable candidates will not enter a primary contest; and

(8) That the contest is likely to develop bitterness, which weakens the party in the ensuing campaign for election.

Some of these objections, with respect to expense and double campaigning, might be equally applicable in case of a convention, the delegates to which were selected upon the basis of pledges to support particular candidates. If it were understood that the party voters were to exercise their control through the choice of pledged delegates, and they were to avail themselves of this opportunity in a spirited contest, there would be apparently the same occasion for outlays and, of course, the same campaigning. So far as this aspect of the matter is concerned, the convention system would apparently be preferred only in view that there would be little or no contest over delegates and hence slight occasion for expense and no real effort to control the delegates in the interest of particular candidacies. But it was under such a system, contrived in the view that the voters had little interest in the selection of delegates, that the serious abuses arose which led to the overthrow of the convention. Those who think that it is feasible to return to such a system do not, in my judgment, take account of the deep cur-

rents of our political life. The notion that the electorate will be satisfied with selections dictated by party rulers, subject only to the easily obtained acquiescence of hand-picked delegates, is one that can be entertained only during a time of reaction against present unsatisfactory methods. It is a better course to correct these methods while maintaining that measure of control by the party voters which is essential to protect their interests and to secure a sound and vigorous party life.

The question of expense can in some degree be met by statutory limitations of outlay, but there is need of a more fundamental treatment of the evils to which I have adverted.

Of course, there must be opportunity for consultation and conference in the selection of candidates. There is not a church or a club but provides for this through the selection of a nominating committee. The exigency thus sought to be met is not less, but far greater, when large communities are to select officers. Candidacies, whatever methods be adopted, will have their genesis. Occasionally, special conditions will bring individuals into prominence and make it greatly to the public interest that a leadership which has been developed by the course of events, to the great advantage of the community, should not be frustrated by control of political machinery. But a proper system will not only take account of this emergency, but also of ordinary situations in which there is no obvious public demand and there is special need for the judgment of party leaders of wisdom and experience. There will be in any event consultations and conferences and it is better that the necessity be recognized and that they be conducted in a responsible manner.

The point is also well taken that there should be appropriate opportunity to present a statement of party principles. Parties must be led by men and may be honored by their leaders, but they are supposed to present principles and not merely personalities. If a party professes principles, it should have an opportunity to proclaim them upon party responsibility.

### SELECTION OF SUITABLE CANDIDATES FACILITATED

To my mind, the most serious question, presenting itself in different phases, is with respect to the obtaining of suitable candidacies under the direct method. The aversion to a primary contest on the part of men conspicuously well fitted for office is quite apparent. Fortunately, from time to time there appear men of great ability and resource, natural leaders of men, who have not only patriotic impulses but undoubted capacity, who are able and ready to enter the lists, who are glad to seek, and who benefit the public in seeking opportunities for public service. But persons of this sort are rare. The citizen of ability, well trained and experienced, is a man with a vocation. He has received his training and his experience through his devotion to that vocation. He is not destitute of public spirit, but he is not in a position and has no inclination to spend time and money in trying to get an office which he does not want and which he would only take at a considerable sacrifice. He will serve if the demand arises, and the community needs men of this type. It is precisely that sort of man who in public office has no ambition but to make a record of public service. He will exhibit in public service the same fidelity, loyalty to principle and integrity of character, which have given him standing in his daily work, what-

ever that work may be, in agriculture, industry, trade or the professions. But it is difficult, if not impossible, to persuade him to enter a primary contest. It is important that the community should draw this class of men more and more into the public service, not simply by securing them for positions held by appointment, but also in the chief elective offices. In the case of judges, it is obvious that it is men of this type who should be put upon the bench. And certainly we should arrange our methods so as not to aid the efforts of the worst enemies of democracy, the charlatans and demagogues, with little brain and much fluency of speech, who either seek their living at the public expense or are the puppets of those who would use them for their own corrupt purposes,—men who are willing to say anything and do anything to obtain office,—the parasites of government.

It seems to me that these difficulties can be met if we have regard to the proper objects of a primary. It is not an end in itself. It is not a virtue to have a double campaign,—quite the reverse. It may be necessary, but it should be avoided if possible. The primary system should be so devised as to interpose the necessary check upon party leadership, while at the same time putting both the community and candidates to as little trouble and expense as possible.

It is frequently said, in connection with primary contests, that the candidates of the party organization generally win. This is stated as though it were an objection. Why should they not win? If a party organization is clean, vigorous and efficient, if it has the confidence of the party members, as such an organization should have, it will be influential in advising candidacies, and those who are presented as candidates with the approval of such an organization will in all probability be men who ought to be selected. We should expect in any of our voluntary organizations that a nominating committee, consisting of some of the best informed men of the group, would propose those admirably fitted to be candidates for the offices to be filled. The fact that if such men are not chosen there is likely to be an opposition ticket, greatly conduces to a proper selection. An effort is made to avoid the friction of a contest and the group is supposed to function well when it is able thus to settle its differences and to avoid the bitterness created by a contested election.

There would appear to be no reason why this should not be accomplished in party management without the sacrifice of the conscious power of the party members to dictate the party choices.

### PARTY ORGANIZATION MUST BE REPRESENTATIVE

In the first place, it is necessary that the party organization should be truly representative, that is, that those who are selected should not be hosts of delegates in such numbers that their choice awakens little interest and favors the notion that they are held to slight, if any, responsibility. The party should be represented in its various district divisions, starting from the lowest unit, by directly chosen representatives who are responsible in each case to the party members of the unit. The persons thus chosen will constitute representative bodies of the party, district bodies and a State body, with an appropriate number of members. And these bodies may meet, under suitable provisions of statute, to designate the persons recommended for nomination for the offices to be filled. A representative body thus elected directly by the party members,

and having the authority to propose nominations for State offices, would appropriately formulate a statement of the party principles, or the party platform. And these bodies, State and local, respectively, would furnish the facilities for conference and consultation in order that fit men should be chosen to represent the party as candidates. It is of no consequence whether such a body be called a convention or not. Its distinctive feature would be that it would consist, either in the State or in the smaller political division of the State, of a directly responsible group, instead of a host of delegates selected in such a manner and in such numbers as to be without any real personal responsibility to the party voters. It would be, in a sense, a nominating committee, appointed by the party in a convenient manner so as to charge each representative with direct responsibility.

If such a body did its duty well, there would be no necessity for a double campaign. Its choice would be ratified on primary day without contest. The difficulty of giving to opposing candidates no opportunity to have their merits discussed except in a primary contest would normally be removed, and the bitterness engendered by such contests would generally be avoided through a full consideration of the qualifications of candidates and the decision of the party representatives. The action of such a body should not be final. If it ignored the sentiment of the party voters, if it appeared that some ulterior or sinister purpose had been served, if the candidates, or any of them, which it selected were unworthy, then there should be opportunity for the party members, immediately and without difficulty, to express themselves in opposition and on primary day to have a chance to show whether or not the designation of the organization body was approved.

This would mean that the body representing the party, chosen in the manner I have described as a really representative body, would not care to invite a challenge of its choice; that it would endeavor to meet the wishes of the party voters so far as these could be ascertained. The party representatives would act under a check, which as a rule would preclude any action but that which the party voters would be ready to approve. But the party voters would always have their chance to disapprove and to present other candidates. Of course, the party is not entitled to any better standing than its members give it. The less independence there is in a party, the more complete control the party leaders will have. But this will be so under any system. The effort should be to avoid a plan which puts a premium upon unnecessary contests and involves needless expense, while at the same time affording essential checks and giving opportunity for contest if there is a real reason for one.

In this way natural leaders, chosen by events, would find their place. On the other hand, the party conference would afford the opportunity for bringing forward men of merit, fitted for office, who would be willing to accept nominations with the backing of the designating body, although they would not subject themselves to the annoyances and expense of an open primary. Demagogues would not be favored unless the party wanted them, and if the party did wish candidates of that sort they could not be denied the privilege of enjoying that distinction. The bitterness of strife within the party would be reduced to the lowest terms that are consistent with the maintenance of the freedom of the

party voters, which is of vital importance if we are to assure the sense of popular control of government.

### THE PRIMARY AS A COURT OF APPEAL

If anyone wants to run for office as an independent candidate, he should have that opportunity. But if he desires to be the representative of his party, then he should be willing to conform to the obvious requirements of group action. He has no right to embarrass his party for the sake of self-advancement. He does have a right, and the party members have a right, to demand that all authority within the party should be derived by direct choice of the members of the party; that such bodies as are chosen should be selected in such a manner as to give a sense of responsibility to the party voters; that within the party organization there should be opportunity for deliberation, appraisement of candidacies and wise recommendations, and that to avoid abuses all such recommendations should be the subject of appeal to the party members with whom the choice of candidates should finally reside.

You will recognize, of course, that what I have said is virtually a restatement of what I advocated years ago. I have never favored the so-called open primary. I have never believed in attempts to destroy party organization. The experimentation which has been going on throughout the country has served to confirm the views that I formerly held, and I believe that I would have been quite ready to change them had experience shown that they were unsound. I do not believe that the old-time party convention should be restored, for while it might work well for a time, it would in the absence of suitable checks give opportunity for the wrongs and selfish control of party machinery which brought the old convention into contempt. We need not return to such conditions. All the advantages of action through representative bodies can be secured while at the same time control can be assured to the party members so that they will be fully conscious of their power and keenly sensible that what is done in the party name is done not because the machinery is contrived to prevent the expression of their views, but because they are reasonably content with the action of their representatives.

In what I have said, I have not referred to so-called presidential primaries, with which we have had much experience of late. This subject is an entirely separate one from that of State and local primaries which I have discussed. This is so for the obvious reason that we could not have, even if it were thought desirable, an open presidential primary, or a primary to make nominations of candidates for President without a party convention, on any proper basis, unless there were a federal primary law providing uniform regulations for the primary and fixing a primary day for all the States alike. But the Constitution of the United States gives no authority to Congress to provide for presidential primaries. The Constitution provides for the election of the President and Vice-President by Electors and that "each State shall appoint" these Electors "in such manner as the Legislature thereof may direct." The manner of selecting the Electors of a State is thus confided to the Legislature of that State and there is no provision which can be deemed to give any authority to Congress to establish a primary system for the nomination of candidates for the offices of President and Vice-President.

The question then of primaries is

essentially a State question. It will be solved in each State in the light of the traditions and experience of that State, but the goal should not be misunderstood. The aim is not to burden the citizen with unnecessary political activity. It is not to leave the party voters impotent to fight despotism and corruption within the party, because of the extreme difficulty in dislodging unfaithful party leaders. It is in giving to the party voters the checks upon leadership which will make it responsible and put it under control, while at the same time preserving the opportunities for party conferences and avoiding unnecessary contests within the party in order that, in the endeavor to secure freedom from intolerable abuses, the efficiency and reasonable requirements of party organization should not be impaired.

# AN AMERICAN GARDEN CITY[1]

BY THOMAS ADAMS

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*A garden city is newly built from the ground up. It is planned to secure maximum economic returns, beauty, health and recreation. Proper balance is maintained between residential, recreational, industrial and agricultural areas. It pays its own way.* :: ::

A garden city is needed in America as a practical object lesson in solving many problems in connection with the building of cities and towns. Those who question that need are welcome to their enjoyment of the exhibition of waste, incompetence and muddling which is provided by the modern city. On the whole the industrial community is probably the worst product of civilization in all countries—and we have nothing much better to show in that regard in the United States and Canada than in some of those countries we call decadent.

## THE LETCHWORTH GARDEN CITY

Before entering upon a statement of how and where to establish a garden city in America I must show what I mean by a garden city by giving an outline of the history and standing of the English Garden City at Letchworth:

The garden city movement was started in England as a result of a book written by Mr. Ebenezer Howard, published in 1898. Only two experiments have been initiated on the lines advocated by Mr. Howard. The first is at Letchworth and the second at Welwyn, both in Hertfordshire, England. The most advanced scheme and the one which is best known is the first garden city at Letchworth.

For the purpose of starting this scheme on the principles advocated by Mr. Howard, a number of separate properties were purchased in 1903, comprising a total area of 3,818 acres; an additional area of 750 acres has since been acquired. This land was purely agricultural in character, although two or three small villages or hamlets, occupied mostly by agricultural labourers, were situate on the estate at the time of its purchase. An essen-

[1] A paper delivered before the Sixteenth Annual Convention of the American Civic Association at Amherst, October 14, 15 and 16, 1920.

tial part of the scheme is that a portion of the land shall be retained permanently for agricultural purposes and shall not be used for urban development. About 1,300 acres or one-third of the original Letchworth Estate have been set apart for the building of the town and for open spaces, and the remaining 2,518 acres, now increased to 3,268 acres, have been definitely reserved for agricultural purposes.

These particulars of the scheme indicate that among its fundamental features are:

1. The purchase of an agricultural estate unhampered by existing urban development on which to establish an industrial and residential town, principally by securing as a first step a concerted movement of manufacturers from congested centres.

2. The restriction of the area set apart for the building of the city in such a way as to retain a large proportion of the site for agricultural purposes.

Starting with a purely agricultural property and with these two objects in mind the garden city company had the advantage of being able to experiment in the system of land tenure that would encourage the use of land, instead of the exploitation of those who use it, and to plan the area for the purposes of promoting health, industrial efficiency, financial soundness and amenity.

In order to carry out the above objects it was necessary to impose regulations regarding the disposal of the land and to limit the amount of profit that could be derived by those who provided the capital. At Letchworth, the land was leased for 99 years to the person building a house or factory, with the right of renewal for further periods of 99 years, and I believe there are some cases where factory sites have since been leased for 999 years. The system of leasehold tenure is not sufficiently understood on this continent to make it likely to be acceptable. It is probable that some system of ownership will have to be devised, with proper restriction attached, if a scheme were started in Canada or the United States.

With regard to the finance of the Letchworth scheme, the following summary gives a rough idea:

Total cost, approximately, $680,000.
Capital, company shares, loans, mortgages, etc., approximately in 1919, $2,600,000.
Gross value of land and undertakings in 1919, $3,400,000.
Cost per acre, $225.00.
Value of buildings, timber, etc., $125.00 per acre.
Net cost per acre, $100.00.
Distance from London, 33 miles.
Population 1903, 450; 1920, approximately, 10,000.
Number of inhabited houses, factories, etc., 2,500.
Different kinds of industries, 30.
Ultimate population aimed at, 35,000.
Ground rents, $44,000.
Ground rents capitalized, $880,000.

There are gas works, electric power works, water supply works, sewage disposal system and other public services. When the estate was purchased there was considerable mileage of existing roads. Since then, ten miles of new roads, twenty miles of water mains, fifteen miles of gas mains and fourteen miles of sewers have been laid.

The following points should be noted:

1. The garden city form of development has the advantage of avoiding the evils incidental to single industry towns. Letchworth has a greater variety of industries than the average town and one of the objects aimed at by its promoters is to secure this variety so as to employ different kinds of labour.

2. It provides also for the inter-

mingling of those engaged in manufacture and agriculture.

3. It is a self-contained town and not a mere dormitory suburb and should not be confused with smaller experiments or with single industry towns.

4. By mixing industries and mingling town and country life you not only get more healthy conditions but reduce the waste of time and money in conveying passengers between the home and the place of employment and also in the cost of distribution of food.

5. By limiting the dividends of those who provide the capital and by preventing speculation in land, the whole of the increment of value created by the conversion of an agricultural site into a building site for a town, together with the profits made by public services, can be used for the benefit of the city and the inhabitants.

The interest on mortgages and debentures has been regularly paid but there are arrears of accrued interest amounting to about $830,000 on ordinary shares.

The question of the financial results is important but too much reliance should not be placed on any criticism of the scheme based on the mere facts regarding the dividends paid at Letchworth. The scheme has suffered very considerably from lack of capital and its chief drawback, from a commercial point of view, has been the fact that the directors have continually had to work from hand to mouth in obtaining the funds necessary to develop the city. Moreover, they have been doing a unique thing and have naturally made the errors of pioneers. They have paid for experience that is available as an asset to others who follow. The death rate in Letchworth in 1918–19 was 10 per 1,000, the infantile death rate 30 per 1,000 births, and the birth rate 17.5 per 1,000.

The above is a brief outline of the English experiment in creating a garden city for the purpose of indicating first, the main underlying principles of the scheme and, second, a few of its financial features.

## THE LETCHWORTH SCHEME NOT A PATTERN TO BE RIGIDLY FOLLOWED

In considering the establishment of a garden city in the United States or Canada we should keep these principles and financial features in mind but should not regard them as committing us to any definite policy or form of development. The Letchworth scheme has shown what to avoid as well as what to imitate—that is the value of an experiment. It has had some administrative weaknesses. It has shown that it is necessary in starting a scheme to have sufficient capital to purchase the site and cover the cost of preliminary development—and that it is desirable to have additional capital to cover some of the cost of building houses and factories. Had the directors of the Letchworth scheme been able to raise $2,000,000 to $3,000,000 at the outset their task would have been enormously simplified and everything that has happened points to the probability that, in such an event, the city would be now near completion and would be paying full dividends on ordinary stock.

Another defect in administration of the Letchworth scheme is that a large board of directors has tried to do too much of the management and has not entrusted sufficient power to a paid executive. Nor has the board striven hard enough to obtain sympathetic co-operation from the residents.

In regard to general principles on which the scheme was promoted experience has shown that these were sound, to meet English conditions.

It does not follow that they are

sound in every respect to meet American conditions, or that the Letchworth scheme is a mould to be used for stereotyping all other garden cities. The future success of this form of development will depend on the common sense applied to adapt it to suit different circumstances, laws, and conditions. It is capable of elasticity, subject to a few fundamental principles that are easily defined. Although it would be fatal to treat any one scheme as a pattern for others there must be adherence to the following principles in all schemes professing to be garden cities:—

First:—Delimitation of part of the area acquired for the scheme as a site for the city proper and of part as an agricultural belt round the city.

Second:—Provision for a manufacturing section to provide employment for the bulk of the residents of the city.

Third:—Planning of the whole urban and rural sections in advance of development, with a view to securing ample air and garden space and good surroundings for the homes, parks and other recreation spaces, efficient means of transportation and other facilities for the industries, convenience for traffic, and economic use of the land.

Fourth:—Limitation of the dividend payable on capital subscribed by investors, and of the profit which may be made by means of speculation in land and buildings by companies or individuals.

The application of these principles in detail may differ in different schemes. At Letchworth about 1,300 acres are set aside for a city of 35,000 and 3,218 acres or nearly 72 per cent for a permanent agricultural belt. In another scheme a larger or smaller area may be determined for the site of the city, or for the agricultural belt.

At Letchworth the aim is to have an average of eight houses to the acre but that does not mean that this is the ideal number. Then the dividend payable may be six or seven per cent instead of five as at Letchworth; or the land may be sold to individual purchasers instead of let on lease if adequate measures can be taken to prevent change of use, or injurious use and speculation.

Objection may be taken by many to any suggestion that the land should be sold. Personally I would not support such a suggestion in an English scheme because English people are accustomed to leasehold tenure and it has great advantages over freehold in connection with the administration of the scheme. Some of the directors of the Letchworth scheme have been favourable to selling land on the ground that this would provide them with much ready capital. But the fact that the company has not parted with any of the freehold means that the whole increase in the value of the land is accruing for the benefit of the community. It is not, however, an essential part of a garden city that the land be let on leasehold and in a country where freehold is customary it may be necessary to sell the land to individual users. More care would have to be taken, however, with a system of freehold ownership than with leasehold tenure, in imposing restrictions on use and speculation, partly under deed of sale and partly under a zoning ordinance. I have come to believe that the advantages of private ownership of land by persons occupying and using the land are not to be lightly regarded and I see no objection to such persons enjoying benefit from the values which accrue to such property from their own efforts or expenditures. They should not, of course, benefit from any value which accrues from community expenditures, but that is a matter that can be ad-

justed by an equitable system of taxation for which the local government is responsible.

The disadvantages of private ownership of land from the point of view of the public welfare are not incident to proper use and occupancy except to the extent that is due to neglect to impose equitable taxation but to non-use when it is held for speculation, or to abuse or improper use when it is occupied by buildings that are unhealthy or excessive in height or by anything that is a nuisance. This non-use or abuse is preventable by legislation and particularly by city planning legislation, the want of which is the chief cause of the bad results of land ownership.

### THE CREATION OF A GARDEN CITY IN AMERICA

Having the above facts and principles in mind how do we proceed to form a garden city? We need a site, but in order to enable us to select the proper site we need to determine first what kind of scheme we propose to carry out. The site should be selected to suit the scheme and not the scheme to suit the site; hence our first task is to determine what the scheme shall be.

Some idea of this has already been given. We should aim at a city larger than Letchworth to secure the social advantages necessary to make a prosperous self-contained community. The area for the city should be large enough to take care of a population of from 50,000 to 100,000. Let us adopt the former figure for purposes of illustration, and let us assume first that we plan for an average of eight houses or forty persons to each acre, with an industrial area of one-fifth the residential area, and with an agricultural belt twice the size of the whole residential and industrial area. We shall then have:—

| | | |
|---|---|---|
| Residential area | ..... | 1,250 acres. |
| Industrial " | ..... | 250 " |
| Agricultural " | ..... | 3,000 " |
| Total " | ..... | 4,500 " |

An estate of approximately this size has to be purchased. What should it cost? This will depend on a number of factors which must be known before it can be decided what capital is needed. A property costing $200 per acre may be dearer than a property costing $500 having regard to its situation and potentialities but it is unlikely that a higher price than $500 need be paid. The site need not be immediately adjacent to an existing large city but should be within forty-five minutes by rail from such a city, no matter what the distance may be. It should be accessible to the existing city by good roads and have trolley connection. It will be an advantage to have a waterway but not essential. A supply of power will be needed and if it already exists will be an added asset in valuing the land. An ample water supply will be needed for 50,000 persons and for the factories occupying 250 acres. The site should be capable of being economically drained. An existing station for passengers and freight will be a disadvantage, as stations are usually surrounded by existing buildings and land is accordingly higher in price. It is easy to get a station when the need for it is established. The land should be intersected by at least one good trunk railroad. The land should be fertile and easily cultivated so as to encourage gardening and small farms. There appears to be no question that such a site can be obtained in the United States or Canada at a reasonable price.

In selecting the site and deciding

what initial development to undertake we have to bear in mind that we must offer sufficient attractions to manufacturers to draw them to the locality. The things a manufacturer needs are those things that at present are causing him to move his works from the crowded cities to the outer suburbs. They are:—

Cheap land and room for getting light and airy buildings as well as for future extensions; reasonable assessment and full value for taxes paid; cheap electric power; good living conditions for workers near to factories; good railway facilities, which include facilities for access to railroads for switching to secure economy in shipping and receiving freight; and absence of congestion of streets. These and other matters should be considered both in selecting the site and preparing the plan.

Another element that should be catered to as a means of helping the city to grow in the early stages is a resident population comprising people who want homes but who work in other places; for instance in the near-by existing city. It is not of primary importance to provide for this class and the garden city should not be built up as a mere dormitory for the bigger community, but it is helpful in getting the city founded to have a good residential section. Moreover, it keeps the new city from becoming entirely industrial and introduces amenities that can only be obtained with good residences. It encourages professional men to come to the city and is indirectly helpful to the establishment of industries as it provides the social attractions needed for masters and managers who are usually not indifferent to their own comfort in selecting a site. For this element there must be provided an area quite free from the smoke and noise of the factory area. Factories in any case should be placed on the side of the town where the prevailing winds blow the smoke away from the central and residential districts. On an estate of 4,500 acres there is ample room for both kinds of development. The placing of parks and parkways would have the effect of separating the two areas. A golf course and good inn are a necessity from the outset. With cheap land, protected surroundings, a pure water supply, good drainage and rapid means of communication to the big centre a magnet would be created strong enough to draw many purchasers of lots on which they could erect good homes.

The garden city would have all the advantages of preventive zoning, with such things as an agricultural belt, which no existing city can acquire. Its taxes would be comparatively low because the things that cost most money in a city would cost little. The park areas would consist of lands least adaptable for building and be set aside as part of the development and their cost merged in the price of the building lots. The wide main thoroughfares would cost nothing extra because they would be complementary to narrow residential roads. Pavements would be economically designed to suit the industrial and residential districts. Concentration of the factory area on the railroads would lessen the cost of transporting goods with its usual double or treble handling and injury to the surfaces of roads. Sewers, water mains, and pavements would not be constructed along great lengths of vacant lots between scattered buildings but would go slightly in advance of building needs.

It has been suggested that the present is not a time to start a garden city because costs of construction are high. But it is precisely while this is the

case that the real advantages of a garden city can be demonstrated. The savings in development which are possible in a garden city would be proportionately greater in times of high prices than in times of low prices.

### QUESTION OF FINANCE

To establish such a city the very first step to take is to form a pioneer company to draw up a scheme, interview manufacturers likely to move, investigate sites, employ engineering advice re water supply, drainage, etc., and acquire an option of a suitable property. The main company with larger capital should not be formed till the pioneer company has done its work. The pioneer company would require a small capital of $100,000 to $250,000. Its directors should be men who would command confidence. The co-operation of the press should be secured. All the London papers gave a free advertisement of the prospectus of the Letchworth Pioneer Company. The capital provided for the operations of the pioneer company should bear interest at seven or eight per cent and shares of equal value should be given to the stockholders in the main company when formed. Those who took shares in the pioneer company should have it made clear that the money might be lost if the scheme did not proceed beyond the pioneer stage.

When the sites were selected and some manufacturers persuaded to take sites the next step would be to form a corporation with a capital of $5,000,000 to develop the property, build roads, install water, electric power, etc.,—and erect the first houses.

The question of site, however, is one for painstaking investigation. That one can be obtained of suitable character and situation I have no doubt. Nor do I think that the problem of getting the needed capital is difficult of solution. The real difficulty is the primary one of getting a number of men with business capacity, courage and high resolve to give their time as directors of a pioneer company, and to raise $100,000 to $250,000 to carry out the preliminary work of promotion and investigation.

I have said that the main purpose of such a scheme is to be an object lesson for the American continent. The garden city of England is not much of a success as a commercial enterprise for reasons I have given, but these need not apply to a new experiment on this side. It is not a solution of the housing problem but it has been an excellent guide to show how it can be solved. It has revolutionized public opinion with regard to the methods of dealing with the problem of housing. It has created the atmosphere necessary to cause the government of England to pass an effective town planning act. It has proved that a city or town can be created from the foundation upwards and made commercially successful. It has indicated how to solve the land question without confiscation, and with financial benefit to the community equal to what can be obtained by measures that are confiscatory in respect of private rights.

The stock of the pioneer company should be raised in ordinary shares at seven or eight per cent interest, accumulative. Any further capital should be obtained in debentures secured on the property at the lowest interest possible according to conditions in the financial market. The scheme should not be floated with less than $3,000,000 or about $650 per acre for 4,500 acres.

### WHERE THE FIRST SCHEME SHOULD BE STARTED

The first scheme would be by way of experiment as an object lesson. It is essential that it should be located in

the position most likely to command success. Having regard to all the factors necessary to contribute to that success I think there is no doubt that the best locality would be somewhere on the eastern seaboard of the United States. I believe the people of Massachusetts could establish a successful garden city near Boston. Probably a better site in many respects would be obtainable on the main railroads between Philadelphia and Baltimore. In both localities there are the factors of individual wealth, of existing and overgrown manufacturing centres, of home-loving instincts and habits, pressure of high taxation, congestion of traffic, good railroad and trolley facilities, nearness to ports, good land, beautiful landscape features, a cultured population, and a broad-minded and influential press. The English garden city has done more as an object lesson in a few years to educate the people of England than fifty years of talk about housing. It has shown that the application of science is as essential to the building of a city as it is to the development of industry.

Its economic basis rests on the certain increase in the value of the land due to its conversion from agricultural to building uses. The following paragraph from a report of Dr. Murray Haig consolidates the results of an analysis of the increase of land values created in the city of Gary, Indiana:—

> The market value in 1906 of the land in Gary excluding that occupied by the plants of the steel corporation, is estimated at $6,414,455, and the present value at $33,445,900. The increase in the ten-year period, therefore, amounts to $27,031,445. The examination of the value of the services rendered by those who have come into possession of this increment indicates that an allowance of perhaps $200,000 should be made for necessary administrative expenses, that not more than $1,000,000 should be credited because of taxes advanced on unused lands, and that $4,025,712.70 should be allowed as having been paid by land-owners for local improvements. The total money value of the services of these beneficiaries of the increment amounts then to $5,225,712.70. The amount of the increment which might conceivably have been conserved is thus found to be $21,805,732.30.

The author of this statement admits the possibility of some factors being overlooked, but regards his estimate of increment value as conservative. But even if the value were half the amount given in the estimate, that would be a substantial profit, arising from the creation of a community over a period of ten years.

The investigations made by Dr. Murray Haig and others in the United States show that a fair estimate of the increment of land-value produced by community development, after deducting the value which is attributed to all expenditures for local improvements, etc., is from $400 to $450 per capita. The assessment valuations of Canadian cities confirm this figure. Taking the lower figure, it may be estimated that the creation of a new town of 50,000 people may create an aggregate increment of value of $20,000,000. To this has to be added the profits realizable from the usual municipal services, including transportation, water, power, and light, having regard to the great economy that can be exercised in constructing works on a large scale to supply a demand which is known in advance, and to the saving in heavy costs for land and promotion.

Where a rapid growth of population can be relied on and the site obtained at agricultural rates, it is evident that enormous profits can be made by the creation of new towns.

# A REVIEW OF CITY PLANNING IN THE UNITED STATES, 1919–1920

BY THEODORA KIMBALL

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*It has been the long-time policy of the* REVIEW *to publish an annual report of city planning progress in the United States. The 1917–1918 and 1918–1919* REVIEWS *were also prepared by Miss Kimball.* ::

THE quantity of city planning news and publications within the year makes it necessary to pass very briefly over many subjects of importance and to omit specific reference to many cities where good work is under way. While definite progress in all quarters was not to be expected, the total progress of the year is considerable. There are frequently to be remarked a greater alertness of the official mind, a desire for competent advice, and a more wide-spread public support; and several favorable court decisions have been handed down, giving solidity and impetus to public-spirited effort.

## REGIONAL, STATE, AND NATIONAL PLANNING

The necessity for considering a broader area than city or town in any well-grounded development scheme has found notable expression in Mr. Warren H. Manning's Birmingham (Alabama) plan discussed later in this article. Mr. Manning has also been conducting regional studies about Cleveland. The Division of City Planning of the Pennsylvania State Bureau of Municipalities has been making a regional survey of the Wilkes-Barre region as a practical demonstration to the cities and towns of the state of the methods and value of such work. It is interesting to note in comparison the survey being conducted for the coal regions of South Wales by the Regional Survey Committee appointed by the British Ministry of Health. The employment of the airplane for photographic survey work in the war has stimulated its use, in both England and America, for airplane views of cities; and the obvious adaptability of a series of aerial views for metropolitan district or regional survey purposes has already been recognized. Of the large cities of the United States, Philadelphia, Cleveland, and Dallas have had airplane surveys within the year directly in connection with city planning activities.

At the meeting of the American Civic Association at Amherst, Massachusetts, in October, 1920, national planning occupied an important place on the program. Just as it is now realized that the political city is not an isolated unit to be independently planned, so the regional plan is coming to be conceived of as part of a state plan and a nation-wide plan. An admirably expressed paper by Mr. F. L. Ackerman has already laid this subject before the readers of the REVIEW (January 1919). In the matter of highways, the conception has taken root;

and the "National Highway" movement has received strong impetus during 1919 and 1920. Railroads and national waterways are also under public consideration. The necessity of broad planning of national channels of transportation and national gateways, and coincidently of national forests, parks, and conservation areas—of the nation as a vast unified organism—finds two able advocates in Mr. Cyrus Kehr of Washington (Chairman, Joint Board on Nation Planning) and Mr. Warren Manning already mentioned. Mr. Manning's extremely suggestive national-survey studies (originally prepared for exhibition in 1918) were exhibited at the Amherst convention, where Mr. Kehr gave a paper: *A Nation Plan, a Basis for all Local Planning*. This paper is a condensation of the ideas expressed in a longer paper[1] prepared for presentation to the American Engineering Council in Chicago, September, 1920. Mr. Herbert Hoover sounded a challenge when he said recently before the national gathering of Mining Engineers:[2]

"The time has arrived in our national development when we must have a definite national program in the development of our great engineering problems. Our rail and water transport, our water supplies for irrigation, our reclamation, the provision of future fuel resources, the development and distribution of electrical power, all cry out for some broad-visioned national guidance. We must create a national engineering sense of provision for the nation as a whole."

Although the conception of a national plan is vast, it should not for this reason be pushed aside as impossible. It is something to work towards. We must learn to think in national, state, and regional terms if we would make permanently successful city plans.

[1] *A Nation Plan, A Basis for Co-ordinated National Development.* Preliminary Discussion. Washington (The author, 605 Seventh Street, N. W.), 1920.

[2] The text of his address is given in the *Engineering News-Record* for September 16.

### NEED FOR COMPREHENSIVE LEGISLATION

We need the national bureau for housing and town planning information and research proposed in the Tinkham bill, which it is hoped will be revived in the coming Republican congress. We need more state bureaus similar to that maintained by the State of Pennsylvania already referred to. It is worth recording that as a result of the recent re-organization of state departments in Massachusetts, in the department of public welfare there was established a division of housing and town planning (superseding the Massachusetts homestead commission) which, when it gets into active operation, should have a stimulating effect on the planning boards in Massachusetts created under the compulsory law of 1913, as the California state commission of immigration and housing has stimulated the planning of rural lands in California.[3]

One of the specific needs for enabling legislation expressed during the year by cities actively engaged in city planning work is the power of adopting home rule charters (as in California), which will bring with it the power to create city planning commissions with adequate authority and the ability to extend the bond limit to finance city planning projects. Power of excess condemnation is also actively sought, especially in Illinois and Michigan.[4] State zoning acts

[3] The recent book by Dr. Elwood Mead *Helping Men Own Farms* should be here noted as one of the most important contributions of the year to the rural planning problem.

[4] Michigan excess condemnation act. An amendment to the Constitution of the State of Michigan as adopted

are required in certain states to make zone plans legal. Recent favorable court decisions in zoning questions (discussed later in this article) have established more firmly the legality of the purposes of city planning.

Fortunately for those who are seeking to secure legislation, we now have a publication which can be widely used for reference and for distribution purposes. Mr. Frank B. Williams's *The Law of the City Plan*[1] contains a concise statement of existing city planning legislation together with text of selected statutes and a list of court decisions.

### COMPILED INFORMATION ON CITY PLANNING SUBJECTS

This publication by Mr. Williams is one of a series of valuable supplements issued recently by the REVIEW. The other two of particular value to those engaged in city planning are: *Zoning* by Edward M. Bassett (May 1920) and *The Assessment of Real Estate* by Lawson Purdy (September 1919). The zoning pamphlet contains an important statement of the principles of zoning, a brief summary of ordinances and court decisions in the United States, and a bibliography.

Another important enterprise in making compiled information on city planning available for general use is the bulletin just being issued under the auspices of the National Conference on City Planning,[2] entitled *Municipal Accomplishment in City Planning and Published City Plan Reports in the United States.* The facts contained in the bulletin (largely based on questionnaires issued by the Detroit City Plan Commission) cover progress in the carrying out of city planning projects, methods of public education employed by various municipalities, difficulties encountered, and suggestions from the experience of plan commissions. In addition, the bulletin contains for each city a list of city plan reports issued, 1900 to 1920.

There is also in course of preparation a *National Record of Zoning* to be published by the American City Bureau, containing digests of all zoning ordinances and summaries of court decisions in the United States. *The Manual of References on City Planning* will be published by the National Conference on City Planning as soon as a sufficient number of advance subscribers is assured. This will supplement the Selected List published by the Conference in 1915.

At the suggestion of members of the American City Planning Institute, a list of *Ready References for the Shelf of a City Planning Commission* was prepared by the Harvard School of Landscape Architecture library and has been widely distributed to plan commissions, libraries, and to members of the Institute, who are constantly being asked to recommend lists of city planning publications.

During the year, the first paper of the American City Planning Institute has been issued, being an introductory statement to a contemplated series of technical papers. This first paper is entitled *Principles of City Planning.* It is based upon a report made by a sub-committee of the Institute, of which Mr. Frederick Law Olmsted was chairman, and is published under Mr. Olmsted's name. It has, however, been thoroughly discussed at several meetings of the Institute and has been adopted as an official statement of the Institute by a vote of not

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by the Legislature in extra session 1919, to be submitted to the vote of the people, November 1920. Detroit, Published by the City Plan Commission, November 1919.

[1] Supplement to NATIONAL MUNICIPAL REVIEW, October 1920.

[2] 60 State Street, Boston (price of the bulletin 40c).

less than three-fourths of all the members.

### PUBLIC EDUCATION IN THE PRACTICAL VALUE OF PLANNING

Two little books have appeared during the year intended to further public knowledge and appreciation of the value of town planning. Mr. John Nolen's *New Ideals in the Planning of Cities, Towns, and Villages* was originally prepared for educational work in the A. E. F., but was revised for publication by the American City Bureau. Although most of the ideals in the little book are not new, nevertheless they are clearly and convincingly stated, and the book should have wide circulation, especially in cities and towns not yet imbued with a progressive spirit in regard to public improvements. Mr. F. N. Evans's book, *Town Improvement*[1] is intended to serve much the same purpose.

An educational bulletin, *Zoning as an Element in City Planning and for Protection of Property Values, Public Safety, and Public Health* by Lawson Purdy and others has been issued by the American Civic Association[2] which ought to be very useful for propaganda purposes in cities where work on a zoning plan is being started.

In several cities, circulars and leaflets have been issued for the benefit of the public whose support is desired for city planning projects under consideration. In Trenton, the Mayor himself issued an explanatory leaflet for the election of November 1919 with the successful result in securing a favorable vote for adoption of two improvements. The Dallas Chamber of Commerce Metropolitan Development Association has begun a news sheet called *The Dallas Metropolitan*, "a record and a promise of city planning accomplishments" (first number, February 1920). The Town Planning Committee of Des Moines had a poster printed in colors showing the improvements projected. The work of the Citizens' City Plan Committee of Pittsburgh affords interesting suggestions. Its recent report on playgrounds has been issued in two forms, the second being shorter and full of pictures to attract popular interest. A flier regarding the next intensive study—on streets—to be undertaken by the Committee is found tucked inside the cover of the popular edition of the playground report.

Johnstown, Pennsylvania, has recently instituted popular education on its city plan in the public schools. Although this work is just beginning, it is expected to prove a successful and interesting experiment. Following the meetings of the National Conference on City Planning last April, Cincinnati is launching a city planning campaign, described in Mr. Alfred Bettman's article in the REVIEW for July 1920. The experience of official bodies and civic organizations of various cities in the United States, as expressed in the "Municipal Accomplishment" bulletin previously referred to, shows that the public is being awakened in many cities by a great variety of methods.

### OFFICIAL CITY PLANNING COMMISSIONS

There has been a substantial increase in the number of official commissions actually at work. Up to November 1920, the National Conference on City Planning has a record of nearly 150 appointed city planning commissions in the United States,

[1] New York, D. Appleton & Co.

[2] Price 25c; address Union Trust Bldg., Washington, D. C.

some of which, however, are known not to be active at the present time. A list of cities with commissions is being issued by the Conference.

In Mr. Williams's *Law of the City Plan* already referred to will be found a useful summary of statutes creating commissions, with texts of certain selected acts. In 1919, both Detroit[1] and Rochester[2] issued bulletins giving the provisions under which their city planning authorities function. The Detroit City Plan Commission's work covers a wide range (T. Glenn Phillips, Secretary and Consultant), and fortunately meets with active co-operation from the city council. In the Rochester Bureau of City Planning, the "Superintendent of City Planning", Mr. E. A. Fisher, is given, by the charter provision, unusually great authority to carry out the city plan, without submission to the common council as is required in most cities.

It is to be hoped that the information about official city planning commissions in the United States, just assembled by Mr. George B. Ford and presented before the City Managers' meeting in Cincinnati in November 1920, will soon become available in some printed form.

## PROGRESS IN CARRYING OUT PROJECTS

A publication recording notable progress in the construction of a monumental scheme was issued in 1919 by the Fairmount Park Art Association, concerning the Fairmount parkway.[3] The book contains before and after pictures of the parkway area, colored plans and section, and architectural sketches of the proposed public buildings along the parkway.

The Chicago Plan Commission at its meeting in April 1920 celebrated the tenth anniversary of the issue of the Chicago plan. The report of proceedings was issued as a bulletin of the Commission,[4] constituting a noteworthy record of real progress. Several more important features of the Chicago plan are now under construction or in advanced stages of legal procedure; indeed on November 4, 1919, the voters of Chicago passed $28,600,000 of bond issues for Chicago plan improvements by majorities of nearly 100,000.

St. Louis and Detroit are conspicuous in record of accomplishment, and the waterfront development in Baltimore and Philadelphia should not be passed over without mention. The improvement of the riverfront at Albany for recreational and terminal purposes is proceeding, much already having been accomplished. It is impossible to mention in detail the many instances of constructive work during the last year, and the reader who desires a fair view of city planning progress should secure and study the Municipal Accomplishment bulletin.

It would be instructive to other cities and to students of city planning, if all commissions should issue their procedure programs in such convenient form as that of Brockton, Massachusetts, published in its 1918 report (A. C. Comey, consultant). Progress could then be checked with project in a striking fashion.

[1] Charter Provisions for the City Plan Commission, effective March 1, 1919. Detroit, Published by the City Plan Commission, April 1919.

[2] Rochester, N. Y., Bureau of City Planning. Organization of bureau. 1919.

[3] Fairmount Park Art Association. The Fairmount Parkway; a pictorial record of development from its first incorporation in the city plan in 1904 to the completion of the main drive from city hall to Fairmount Park in 1919.

[4] Chicago Plan Commission. Ten years' work of the Chicago Plan Commission, 1909–1919. Proceedings of the nineteenth meeting of the Chicago Plan Commission. April, 1920.

ZONING

There is a certain popular appeal about the word "zoning" which is now recognized as "putting over" the idea better than the word "districting" which was up to a year ago commonly in use by technical men. Zoning has lately become the most active field of city planning. A complete summary of recent zoning work would be impossible at the scale of the present article; for this, the reader should consult Mr. Bassett's zoning supplement to the May REVIEW and the forthcoming American City Bureau record already referred to. Several important court decisions can be added to the list of those cited in support of the legality of zoning. The Minnesota supreme court reversed in January 1920 an earlier adverse decision. The East Cleveland (Ohio) zone ordinance has been upheld; and the New York city decision of last July states in unmistakable terms the validity of the zoning principle.[1] The Massachusetts supreme court rendered a similar advisory opinion in advance of the recent passage of the Massachusetts state zoning act.

Zoning reports have been published by St. Louis, Newark, Portland (Oregon), Rochester, Detroit, Milwaukee, Brockton, and Cambridge Massachusetts. The East Orange report (by Goodrich and Ford) is now in press; Omaha's zone ordinance (Harland Bartholomew, consultant) has been passed; Washington, D. C., by Act of Congress, has had a zone plan prepared (also by Mr. Bartholomew); zoning was especially urged in the first Buffalo City Plan Committee report; Chicago is working for a zone plan;[2] White Plains[3] and Yonkers, New York, have had ordinances drafted by Mr. H. S. Swan; and a score of cities have plans well underway; to mention a few, widely scattered: Cleveland, Ohio, Dallas, Texas, and Lakewood, Ohio (R. H. Whitten, consultant); Pittsburgh, Pennsylvania, Evanston, Illinois, Hamilton, Ohio, Lansing and Jackson, Michigan (Harland Bartholomew); Mansfield, Ohio (Goodrich and Ford); Sewickley, Pennsylvania (T. Glenn Phillips), and Spokane, Washington (C. H. Cheney).

The Newark,[4] White Plains, and Yonkers ordinances group themselves as containing a limitation of the number of families per acre for each class of area district, in accordance with Mr. Swan's theory that this restriction will prevent undue congestion of population. Other ordinances, such as Mr. Comey's proposals for Milwaukee,[5] Brockton,[6] and Cambridge,[7] rely on bulk restrictions to produce the same result. The Brockton and Cambridge reports are distinctive in combining height and area restrictions under bulk districts. The latter publication contains an exceptionally clear and comprehensive series of explanatory building bulk diagrams to accompany the provisions of the proposed ordinance. The Milwaukee report[8] repays careful study. The Portland, Oregon,[9] ordinance, not

[1] See the REVIEW for October 1920, p. 619.

[2] Chicago. Citizens' Zone Plan Conference. Report of proceedings (of Conference), in co-operation with the City of Chicago and the Civic Organizations of the City of Chicago. Chicago, Union League Club, December 1919.

[3] See Article in REVIEW, October 1920, p. 626 ff.

[4] Newark, New Jersey, Commission on Building Districts and Restrictions. Proposed building zones for Newark: tentative report. September 16, 1919.

[5] Milwaukee Board of Public Land Commissioners. Zoning for Milwaukee. Tentative report. June, 1920. (Ordinance now passed.)

[6] Brockton City Planning Board. Suggested form for zoning ordinance in Brockton, Massachusetts, as recommended, July 1920.

[7] Cambridge Planning Board. Zoning for Cambridge. Report, 1920.

[8] See August number of REVIEW, p. 516.

[9] See August number of REVIEW, p. 516 (but defeated on referendum.)

passed, is embodied in a bulletin of the City Planning Commission.[1] This ordinance, in common with others of the Pacific coast on which Mr. Cheney has advised, differs from certain Eastern zoning laws in its insistence on the single-house district, required by local custom.

The Rochester[2] regulations apply only to use districts, and form the first step in a comprehensive scheme. On promulgation by the superintendent of City Planning the rules became effective and he has large discretionary powers of interpretation and amendment. The Detroit comprehensive zone plan[3] is represented in a report of the City Plan Commission[4] and is still underway; but meanwhile regulations have been passed by the common council "providing for the protection of certain sections where more than 60 per cent of the frontage in any particular block was residential."[5] The St. Louis report,[6] as of June 1919, is "intended as a final summary of the methods and work undertaken in connection with the preparation of the zoning ordinance," and it is hoped will "help to create a better understanding of the purpose of the zoning plan". The St. Louis ordinance in operation, as likewise New York's, gives great cause for encouragement.

### PLATTING CONTROL

In Mr. Williams's *Law of the City Plan*, ten selected laws are cited which forbid the record of plats without the approval of the municipality. Four published sets of platting regulations should be noted by those interested in this extremely important field of city planning. The rules and regulations of the Rochester bureau of city planning[7] were largely taken as a model by the city planning commission of Portland, Oregon.[8] The ordinance of Revere, Massachusetts,[9] a city not otherwise active in city planning, repays study, and the rules and regulations adopted by Akron city planning commission[10] with the advice of Mr. A. S. DeForest are also of interest.

### HOUSING

The general subject of housing, at present actively before the public mind owing to the acute shortage of homes, is well covered elsewhere by Mr. John Ihlder and Mr. Lawrence Veiller. A few items only, particularly related to city planning, can be mentioned here. Volume I of the Report of the United States Housing Corporation is out, describing the work of the divisions other than the Design divisions (already covered in Volume II issued a year ago) and containing photographs of constructed housing developments. The United States Shipping Board did not issue a published report but much of its procedure and many of its housing

[1] Portland, Oregon. City Planning Commission. Proposed building zones for the city of Portland, Oregon; as tentatively recommended by the neighborhood property owners' meetings and the City Planning Commission. Bulletin no. 4. November 1919.

[2] Rochester (New York) Bureau of City Planning. Rules and regulations for use districts. Adopted September 22, 1919. Amended November 26, 1919.

[3] See the REVIEW, August 1920, p. 516.

[4] Detroit City Plan Commission. A building zone plan for Detroit. November 1919.

[5] See the REVIEW, September 1920, p. 581.

[6] St. Louis City Plan Commission. The zone plan. St. Louis, City Plan Commission, June 1919.

[7] Rochester (New York) Bureau of City Planning. Rules and regulations relating to laying out, dedication and acceptance of streets, etc. 1919. 10p.

[8] Portland, Oregon, City Planning Commission. Regulations adopted by Commission relating to laying out, dedication and acceptance of streets, and to the approval of sub-division and street plans, within or for six miles outside the city limits. 1919.

[9] Revere, Massachusetts. Ordinance in relation to the laying out of new streets. (Approved, 1916).

[10] Akron City Plan Commission. Rules and regulations governing the platting of land, adopted June 15, 1920. (Bulletin no. 1.) July 1920.

schemes are recorded in Mr. Morris Knowles' book *Industrial Housing*[1] just published. The author acknowledges his indebtedness to his colleagues in the Shipping Board and to the members of his firm and points out that the book, like an industrial housing development, is an example of "co-operative design". There is much newly collected information in the volume relating to construction, which will be very valuable to those undertaking housing studies.

Two housing reports of city planning commissions have come to the writer's notice. In the *Boston City Record* for July 17, 1920, was published the *Report of the Planning Board on Housing Situation in Boston.* This report is merely an interesting tabulation of the results of investigation, provided for by special municipal appropriation, and an account of the methods used in securing information. The St. Louis city plan commission report[2] is more extensive and detailed, not only summarizing the situation but offering constructive suggestions. The study "was first undertaken to assist the Home and Housing Association in the selection of suitable locations for building homes" but grew into an extensive diagnosis of the housing situation of St. Louis and recommendations for types of land-subdivision and houses. These two reports are examples of the important fact that the housing problem has been officially recognized as a planning problem, not merely a matter for restriction and regulation.

TRANSPORTATION AND TERMINALS

The report of Barclay Parsons & Clapp on a rapid transit system for Cleveland[3] has been analyzed and commented upon by Mr. John P. Fox in *The American City* for November, 1919. The engineers propose shallow surface-car subways in a series of loops under the central business district of the city, providing also for future rapid transit construction. The underground surface-car terminals, as proposed, have been criticized, in view of cases in other cities where this solution of the transit problem has proved unsatisfactory. In a report by the Cambridge (Massachusetts) Planning Board,[4] the revision and enlargement of the shallow subway terminals at Harvard Square are discussed. In the report also alternative remedies are proposed by Mr. Comey for the difficult and dangerous traffic situation known to the many persons who visit Harvard University in the course of the year.

Two important papers dealing with the transportation problem have been issued by the National Conference on City Planning following its Cincinnati meeting, where the papers were presented. Mr. E. P. Goodrich's discussion of *The Urban Auto Problem*[5] brings forward some valuable suggestions. *The Unification of Railroad Lines and Service in Cities* is the result of investigation by a committee consisting of Mr. N. P. Lewis, Colonel W. J. Wilgus, Mr. E. P. Goodrich, Mr. J. P. Newell, and Mr. C. H. Cheney. The report is intended to get at a common basis for solving the railroad terminal problem and urges the early unification of railroad lines and service in cities

[1] McGraw Hill Co.

[2] St. Louis City Plan Commission. The housing problem in St. Louis. June 1920.

[3] Barclay Parsons & Clapp. Report on a rapid transit system for the city of Cleveland, made to the Board of Rapid Transit Commissioners of Cleveland. 1919.

[4] Cambridge Planning Board. Improvement of traffic conditions in Harvard Square: Report of the Planning Board. 1920.

[5] Published in the NATIONAL MUNICIPAL REVIEW, July 1920.

and the prevention of further duplication and waste.

### PARKS AND PLAYGROUNDS

The first report for the Metropolitan Park District of Cleveland[1] outlines the progress of park acquisition and the program for future acquirement of parks and reservations, taking advantage of the beautiful river and creek scenery of Cuyahoga county. The report states that the park system plan was drawn up by the engineer of the board and submitted for approval to Mr. F. L. Olmsted at the time of the National Conference on City Planning meeting in 1916.

The Cleveland Foundation committee has been conducting a thorough recreation survey of the city of Cleveland, published in parts. One of the publications in the series[2] should be included in any survey of city planning reports for the year. The little book contains an analysis of the types of recreation facilities in Cleveland in relation to each other and to the city as a whole, with most interesting survey diagrams showing distribution of child population, radius of use, and kinds of recreation provided by each unit in the park system. The recreation facilities covered include besides parks and playgrounds, libraries, school centers, etc., and the report closes with recommendations for an adequate playground system for the city. Although not a city planning report, the publication entitled *Municipal Recreation and Physical Education*, report of the Oshkosh, Wisconsin, Board of Education, 1919, is worth noting as showing the appreciation of authorities in charge of public recreation of the important relations involved in the location and distribution of recreation facilities.

During the year, the chamber of commerce of Niagara Falls, New York, has issued, in multigraphed form with printed covers, the report made by Olmsted Brothers in 1917 to the Parks Board.[3] This document contains an illuminating statement of the classes of parks, their respective uses, and desirable characters, with an application of these definitions to the Park system of Niagara Falls.

The two publications[4] of the Citizens' Committee on the City Plan of Pittsburgh already referred to cover comprehensively the playground situation in Pittsburgh (Harland Bartholomew, consultant). The graphic representation of the results of the playground survey are most illuminating and the recommendations well worked out. Report 1A, a briefer popularization of the other report, is attractively gotten up. The main report is the first portion of a study of the recreation system of the city, "a part of the Pittsburgh Plan."

### OTHER SPECIAL STUDIES

The Omaha city planning commission[5] issued in 1919 a study of street-widenings and suggestions (Harland Bartholomew, consultant). An inner-belt traffic way and a river drive are provided for in the report. The relation of this report to previous

[1] Board of Park Commissioners of the Cleveland Metropolitan Park District. First annual report, for period beginning July 30, 1917, and ending Dec. 31, 1918. Published 1919.

[2] Haynes, Rowland, and Stanley P. Davies. Public provision for recreation. Cleveland Foundation Committee. 1920. (Cleveland Recreation Survey.)

[3] Olmsted Brothers. Parks and playgrounds for Niagara Falls, report to Chairman of Parks Board of Niagara Falls, New York. 1917. (Multigraphed and issued 1920.)

[4] Citizens' Committee on City Plan of Pittsburgh. Pittsburgh playgrounds—study and recommendations. June 1920. Report no. 1 (40 pages). Report 1A (22 pages).

[5] Omaha City Planning Commission. City Planning needs of Omaha. 1919.

city planning studies for Omaha is not stated. The Detroit City Plan Commission's report on the proposed Dix-High-Waterloo Thoroughfare[1] provides for "the opening, widening, and connecting of an important cross-town traffic route for Detroit." This is the first large street-opening and widening which Detroit has had to face. The city feels that the Woodward Plan of 1805, inspired by Major L'Enfant's Washington Plan, has served well up to the time of enormous increase of automobile traffic. The report contains a set of block plans showing the types of buildings affected by the proposed improvements. The Cambridge traffic study for the vicinity of Harvard Square, and the Philadelphia and Fairmount parkway summary of progress have been previously noted. The Des Moines town planning committee, which issued its proposals in poster form,[2] provides for the extension of the capitol grounds, a civic center, and a park and major-street system. No consultant's name is mentioned on the poster.

After many months' study, the location for a civic centre is recommended in a report of the St. Louis City Plan Commission.[3] It is noted that, if the idea of a civic centre is adopted by the city, much further detailed study will be needed. The group plan tentatively recommended is illustrated by a bird's-eye perspective.

The Dallas Property Owners' Association, mentioned in last year's review of city planning, evinces further activity in proposing the creation of a levee improvement district along the Trinity river.[4] The reclamation of bottom lands for commercial and industrial purposes and the use of the flood channel during a greater part of the year for recreational purposes, will add greatly to the convenience and prosperity of the city and assist the now badly cramped street system.

In the annual report of the chief engineer of the New York Board of Estimate and Apportionment for 1917 (published 1919), there is a section of the greatest interest, dealing with the distribution of benefit assessments. This embodies the results of Mr. Lewis's researches into the question and is accompanied by a diagrammatic representation of recommended methods. This special study is worthy of a wider circulation in more convenient form.

### COMPREHENSIVE PLAN REPORTS

The report of the Buffalo city planning committee of "The Council"[5] is a general outline of what the city needs. Civic center proposals[6] are made and zoning urged. An interesting diagram, entitled "Metropolitan Buffalo the Electric City", shows that the regional idea has been kept in mind, pursuant to the discussions at the meeting of the National Conference on City Planning, in Niagara Falls and Buffalo in 1919. The city has an active city plan office, Mr. Harry J. March, engineer, from which further reports of interest may be expected.

[1] Detroit City Plan Commission. Dix-High-Waterloo thoroughfare. 1919.

[2] Des Moines Town Planning Committee. Capitol extension plan; Park, boulevard and traffic way system; The civic center. (Poster, with text.) 1920.

[3] St. Louis City Plan Commission. A public building group plan for St. Louis. 1919.

[4] Dallas Property Owners' Association. The Trinity River problem. Dallas, March 1920. (Bulletin no. 3.)

[5] Buffalo City Planning Committee of "The Council". First annual report. October 30, 1918–December 31, 1919.

[6] As this article goes to press, word comes from Buffalo that in the general election of November 2, the citizens of Buffalo voted to have a civic center, by a plurality of 12,000.

The report for Auburn, Maine,[1] prepared by Mr. Myron H. West at public expense, presents a comprehensive plan for an industrial city already endowed with exceptional advantages. In view of the satisfactory results and excellent progress of zoning in the United States, it seems unfortunate that the author of the report should state a discouraging attitude toward zoning instead of urging the city to secure its advantages.

Mr. Bartholomew's plan for East St. Louis[2] has unusual interest because of the grave social problems which the city has faced arising from rapid industrial growth and a mixed population, and because the city stands directly across the river from St. Louis, Missouri, where city planning work has been going forward under the same consultant's direction. The War Civics Committee was appointed by the Secretary of War in September, 1918, for a period of three years "in order to co-ordinate all the forces for good—local, state, and national—in eliminating adverse living conditions in East St. Louis, and creating an environment more favorable to the successful production of war materials in the industries of the city". The executive director was to be furnished by the community organization branch of the war department and the committee was to be made up of forty or fifty leading citizens representing all interests, white and black. The industries of the city were to furnish financial support, which they did in abundant measure. Mr. Bartholomew's studies presented to this representative committee are comprehensive in scope, forming an outline on which a detailed plan may gradually be worked out by the city planning commission to be appointed. The most acute difficulties are caused by the railroads and until the necessary revision of railroad locations and terminals is decided upon by a specially appointed commission, certain other questions such as a zoning ordinance must remain unsettled. Practically all the study maps necessary for the zone plan have, however, been made ready for later use.

Another comprehensive and well-presented city plan is that for Flint, Michigan,[3] prepared by Mr. John Nolen with Mr. Bion J. Arnold as consultant on transportation problems. The title-page of the report is significant in that it bears the legend "Approved by the City Planning Board and Accepted by the Common Council". The automobile city, Flint, registers a fourfold increase of population in ten years, thus putting itself in the hundred-thousand population class. Messrs. Nolen's and Arnold's studies date from 1917, the transportation report being thoroughly articulated with the general city plan. An east-side industrial district is recommended by Mr. Arnold. In the section on zoning, Mr. Nolen proposes a garden suburb area on undeveloped land, which will assure a large and desirable residential district for future use. Unfortunately some of the very interesting survey maps given in the report did not reproduce intelligibly.

Mr. Warren H. Manning's city plan for Birmingham[4] has been already referred to as noteworthy among

[1] West, Myron H. Text of city plan for Auburn, Maine. Published as special number of Lewiston (Maine) Journal. Auburn-Lewiston, April 14, 1920.

[2] Bartholomew, Harland. A comprehensive city plan for East St. Louis, Illinois, prepared for War Civics Committee. 1920.

[3] Nolen, John, and Bion J. Arnold. The city plan of Flint, Michigan. Flint, Published by the City Planning Board, 1920.

[4] Manning, Warren H. City plan of Birmingham. Birmingham, Published by subscription, 1919.

American city planning reports because of the extensive regional studies made for its preparation. Here we have a plan for an important industrial area that precedes any detailed study of city street re-arrangements or building location by a broad analysis of the present and future uses of the entire region. The index reveals an impressive list of subjects included in the survey,—special emphasis falling naturally on facts important to industrial development. Based on the tendency of industrial growth indicated by the surveys, Mr. Manning lays down a regional plan for districts according to use and co-incidently a general highway plan. The conclusion of the report states that the first study made to anticipate future growth along the lines of greatest efficiency and economy must be followed by more adequate plans and estimates prepared with the aid and advice of many citizens, officials, and interests in the district. The statistical data on park areas, streets, and public utilities in American cities make the report valuable for reference purposes. The plan was published under the direction of Mr. Hartley Anderson. Unfortunate circumstances in Birmingham have prevented the official adoption of the plan as an outline of development, but it is greatly to be hoped that the citizens will not be too long in realizing the good thing which they have at their disposal and that they will see to it that the plan is carried forward and that its sound economic and social advantages will be insured to those who come after them. And even although the municipal authorities in Birmingham have not made use of their opportunities, the report stands as one of our most important city plan studies and should serve to inspire other cities to a broader vision in their own preliminary work.

# CITY MANAGER MOVEMENT

## PROGRESS OF MANAGER PLAN IN ONE HUNDRED EIGHTY-FIVE CITIES

BY HARRISON GRAY OTIS

*This series of short stories began in the May 1920 issue of the* Review. *Since the above title was selected, the number of American cities operating under, or pledged to, the city manager plan, has increased to well over the two hundred mark, and many elections have been called for early in 1921.* :: :: :: :: :: :: :: :: ::

## VII. REPORTS FROM MANAGERS IN THE PRAIRIE STATES

It is a striking fact and one difficult to explain that the legislatures of the states farthest inland have been most reluctant to grant any measurable degree of home rule to their towns and cities. Thus we find the prairie states with limited representation in the list of city-manager municipalities.

This may be partly due to the fact that these legislatures are made up largely of farmers who are slow to grasp the seriousness of the ever increasing problems facing city government. Despite the handicap of legislative inertia some noteworthy progress has been made.

Wisconsin, Iowa, Kansas and North Dakota recently enacted statewide laws permitting the adoption of the commission-manager plan but bills of a similar nature were defeated in Indiana, Illinois and Missouri. Iowa leads in the number of cities pledged to the new plan. Kansas stands second, with Illinois, Minnesota, Arkansas and South Dakota following. Zeros are chalked against Indiana, Wisconsin, Missouri, Nebraska and North Dakota.

KANSAS

Kansas will be considered first, as all five of her cities have standard commission-manager charters while the other prairie states are still largely confined to the less desirable ordinance type.

*Results Disarm Opposition*

WICHITA. Population 72,128. Commission-manager, charter effective April, 1917. L. W. Clapp, the third manager, was appointed October, 1919; salary $10,000, $4,000 of which he uses to employ an assistant.

The manager submits the following report:

First: At the April 1919 election, at the close of the first two-year term of manager government, the board of commissioners was re-elected without much of a contest. On the termination of no other term of city government in the history of Wichita was there a failure of the leading newspapers to differ as to the efficiency of the existing government. At this election no paper found ground to support an opposition ticket, or to raise any serious objection to the administration. The only conclusion is that general satisfaction prevailed.

Second: Continuance of the former policies of executing public work within the estimates of the city engineer. The city carried on the work with a very considerable saving to the property owners by purchasing material and employing labor required. Under this plan the manager succeeded in keeping within the estimates, and at a much less cost than the work could have been done for under regular contracts.

Third: The completion of a large main sewer about 5 miles in length through the city within the estimates of $214,000, when the lowest bid obtainable from regular contractors under advertisement and sealed bids was $316,500.

Commencement of a large drainage proposition to correct a serious situation that has existed ever since the city was planned, in connection with overflowing streams. Never before has an administration felt able to undertake the work. The project will now be carried forward as rapidly as the requirements of the law relating to drainage will permit.

Fourth: Granting advances in salaries of city employes.

Fifth: Conducting of three general sales of army food supplies distributed from the city exposition building, largely by voluntary service of people from organized labor and city employes.

Sixth: Continuation of the practice initiated by the former manager of providing a series of municipal entertainments at popular prices. In 1919 the admission was 10 cents to 50 cents per entertainment.

The city owns a fireproof forum building with a seating capacity of 5,000. Every seat for the entire series of entertainments was sold in advance, and practically every seat was occupied at every entertainment. Contained in the series were the following artists:

Isadora Duncan dancers, Mme. Schumann Heinck, San Carlo grand opera company, Ole Hanson, Madam Heimpel, Minneapolis symphony orchestra, Irvin Cobb.

Seventh: Establishment of a venereal clinic for care and treatment of interned cases. This enterprise has done more to solve the social evil question than all forms of statutes and ordinances based upon the system of fine and imprisonment ever accomplished.

Eighth: Enlargement of the public health nurses association, which is not financially a city enterprise, but which is fostered and assisted by the administration.

Ninth: Organization for the first time of a park board, which has started intelligent development of a definite plan of constructive work in the acquisition of river front lands and neighborhood parks and playgrounds.

Tenth: Continuation of free garbage collection service, and preparation for a regular collection of waste, at a small charge to patrons.

Eleventh: All of the above, and all other activities carried on throughout the year on the same tax levy without increase over that of previous administrations.

Mr. Clapp served as mayor for two years prior to his acceptance of the managership, upon the resignation of L. R. Ash. He is a lawyer by profession, a man of independent means and has long been interested in city government.

*Health and Welfare Emphasized*

El Dorado. Population 10,995. Commission-manager charter effective July, 1917. Bert C. Wells, manager; salary $3,600.

Achievements for the past year are summarized by the manager as follows:

Maintained a free city nurse, giving daily nursing care to the poor, especial attention paid to babies. Special visits paid to all contagious cases.

Established a free clinic for venereal diseases, men and women.

Kept every one in fuel during the coal strike by establishing a woodyard, selling wood at cost and buying coal from the state and selling it at actual cost.

Organized a full paid fire department, purchased new equipment, and results are shown in that our fire loss is practically nil for 1919.

Laid 45 blocks pavement, about 50,000 sq. yds.

Extended sanitary sewers, in several districts, a total of four miles.

Purchased and installed a two-million-gallon pump for the water works. Extended water mains, laying three miles of four- and six-inch pipe, also completed a survey and report for a new water supply, impounding a small creek to hold 800 million gallons of water.

Improved parks, trees, flower beds, and lawns.

Mr. Wells is 40 years old, a graduate civil engineer and served as city engineer of Wichita prior to his appointment as manager.

*Fine Showing in Water & Light Plant*

Hays. Population 2,339. Commission-manager charter effective May, 1919. A. W. Seng, the second manager, followed James C. Manning, May, 1920; salary, $3,000.

The first duty of Mr. Manning at Hays was the making of a thorough survey of conditions as he found them. His report attracted more than local attention and was published by the University of Kansas extension division. Among other things, he found that the city had been spending approximately $4,000 a year more than its receipts and issuing bonds periodically to cover the deficit.

Perhaps the greatest showing has been made in the improved condition of the water and light plant, a deficit of $22,000 having been overcome by efficient management and better collection methods. The published report for the month of November, 1919, comparing figures with those of the corresponding month, the last year under the old plan, show that the receipts from the sale of electric current increased 134 per cent although the cost of operation decreased 11 per cent. Correspondingly, the total water receipts jumped 116 per cent and the cost of supplying water decreased 71 per cent.

The city is now receiving 3 per cent interest on its daily cash balances instead of 2 per cent. It has funded $27,000 of 7 per cent warrants by substituting 5 per cent bonds.

A modern budget has been established and the city is living within its income for the first time in years.

Mr. Manning is 39 years old, a civil engineer, and experienced in public utilities. He has been promoted to Nowata, Oklahoma.

*Get Results Much Quicker*

McCracken. Population 371. City manager charter effective May,

1919. L. L. Ryan, manager; salary $1,800.

Mr. Ryan reports: "The new plan gets results much quicker. It cuts out a lot of red tape and endless argument over trivial matters. When there were half a dozen men under the mayor and council plan chosen to run the city each of them wanted to express his opinion but none of them wanted to assume any responsibility."

After six months under the manager plan marked improvement was noticeable in the conduct of the water and light plant. The total gain in savings and increased earnings compared with the previous six months amounted to $1,438. In April, the last month under the old form of government, the plant lost $141. In October, six months later, it cleared $138 above all operating expenses. It is reported that the new plan of government is proving popular in McCracken.

Mr. Ryan is 33; served as city clerk prior to his appointment as manager.

WINFIELD. Population 7,933. Commission-manager charter adopted at polls November 6, 1920.

(*To be continued in the February Review.*)

# DEPARTMENT OF PUBLICATIONS

## I. BOOK REVIEWS

OUR AMERICA. By John A. Lapp. Indianapolis: Bobbs-Merrill Company, 1920. Pp. 392.

THE AMERICAN DEMOCRACY. By S. E. Forman. New York: The Century Company, 1920. Pp. 458.

Both of these volumes are well-known school text-books revised and rewritten. Mr. Lapp's book retains its original title, but Mr. Forman has so greatly modified his original *Advanced Civics* that he thinks it best to change the name.

Mr. Lapp's plan of treatment is a progression from the concrete to the abstract. Beginning with a consideration of the basic needs of humanity, especially community needs, he gradually leads the student into the question of government as the community agency for dealing with the problems arising out of those needs. Then after giving the student some conception of the general nature of government the author presents a panoramic view of the government of the United States—national, state, and local. The functional activities of our national, state, and local governments are treated next, and this is succeeded by an exposition of the leading factors in the operation of the American system of government. The book is simply and clearly written, and each chapter is supplemented with stimulating questions and data as to further sources of information. It should be a useful text-book in the lower grades.

*The American Democracy* is a much more pretentious volume. Evidently Mr. Forman has had the secondary schools in mind, and has confidence in the ability of the more advanced pupil to deal with such abstruse subjects as democracy, representative government, suffrage, checks and balances as preliminary to the study of the structure and operation of the government of the United States in its several divisions and branches. The last part of the book is devoted to a discussion of the functions of government, but far more attention is given to the functional activities of the Federal government than to those of state and local government. For the assistance of the teacher, thought-provoking questions and a helpful bibliography are appended to each chapter. The author has made considerable use of charts and diagrams, which evidently are not original with him although the sources from which he has borrowed are not acknowledged. With so many excellent charts available, it is regrettable that in several instances the author's choice has not been good. In conclusion it may be remarked that the book is a great improvement upon the author's *Advanced Civics*, and that all who found that book valuable will find the present volume doubly so.

CHESTER C. MAXEY.[1]

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PAPERS ON THE LEGAL HISTORY OF GOVERNMENT. By Melville M. Bigelow. New York: Little, Brown, and Company, 1920. Pp. 256.

The author has made a general study of political institutions in the old German tribal states, the Roman Empire, and England from the Roman to the end of the Mediæval period with the object of discovering the permanent—and perhaps universal—principles which are at the basis of political society. With the means of carrying the principles into effect and the reaction of the people to the principles under varying conditions, he is concerned only as these throw light upon the principles themselves.

The main thesis of the volume is that the realization of unity in government through a common will is essential to the continued success of even the best political mechanism and management. To this unity the free individual contributes the essential energy, dynamic and initiative. The old family furnishes the principle of service and co-operation. The former are the good fruits of individualism; the latter are the unifying products of collectivism. In both, the actuating motive is spontaneous and voluntary service, and not merely habitual obedience to imposed authority and will.

Except for the obstacle of polytheism, the old German tribal states approached very nearly to this ideal of unity. The Roman Empire had centralization, but never unity. In England, the old German institutions were rapidly

[1] Western Reserve University.

transformed by the development of individual ownership, the competitive régime, the manorial system, and militarism. Popular sovereignty was superseded by the absolutism that reached its height under Henry II. In modern times the old family too has been undermined.

The old principles are as valid as ever—unity, spontaneous service, co-operation. The guiding ideals must be found in the philosophy of Christianity. What means to use at the present time, the author confesses he does not know. In his statement on the success of the old German tribal states he has a suggestion: "Here was directness of action; here was unity, consummate realization of popular government; here, as result, was little waste of time upon sessions and assizes; here . . . was efficiency according to the times. . . . I venture to affirm that a better mode of bringing the collective will of a people into operation has not been found, and, assuming a single-handed administrative capacity for carrying it out, could not be desired."

The first three essays of the volume complete the exposition of the author's thesis. The two others furnish further descriptive details on the governments which are used as the bases for the facts supporting the thesis in the earlier essays. The whole volume is marked by excellent clarity and logic. The formidable title of the book leads the reader to expect considerably more than the essays contain. Primarily in this is the volume disappointing. The reader will regret also that the author has regarded it as beyond his purpose to dwell more on constructive suggestions for the actual realization of the present time of the principles dealt with.

ARNOLD J. LIEN.[1]

THE SENATE AND TREATIES: THE DEVELOPMENT OF THE TREATY-MAKING FUNCTIONS OF THE UNITED STATES SENATE DURING THE FORMATIVE PERIOD. Ralston Hayden, Ph.D., Assistant Professor of Political Science, University of Michigan. New York: The Macmillan Company, 1920. Pp. 237, xvi. University of Michigan Publications.

If any reader turns to this book to know how the fathers would have met the present situation, when one party holds the presidency and the other the senate majority, he will be doomed to disappointment. The fathers did not have to meet such a stalemate. The President and the Senate frequently differed in the interpretation of powers and policies during the formative period, but they were never of different political parties. They developed their relations without the handicap of partisan rivalry. The author of this monograph has undertaken to give an exhaustive historical narrative where others have been content to give a summary. His main conclusions may be stated in the following manner: the Senate has always maintained that it is as much within its constitutional powers to suggest the initiation of a negotiation as to pass upon a treaty already consummated by the executive; it seems to have been the purpose of the framers of the constitution to make the President and the Senate stand on a perfect equality in making treaties; President Washington started with the policy of treating the Senate as a Council of Advice in foreign affairs, consulted it in advance of negotiations, and laid the results before them again for ratification; when the plan proved unworkable in practice, Washington adopted the practice of consulting influential members of the Senate during the earlier processes of treaty-making, and seeking its formal approval of treaties only at the time of the ratification, rather than prior to and during the period of negotiation; little by little the consultations between the President and the Senate became an irregular and unimportant part in the negotiations even; and in the end the principle became fixed that the Senate should not attempt to participate formally in treaty-making until after the process of negotiation had been completed.

These conclusions can hardly be called original. The contribution such as there is lies in the elaborate marshalling of evidence. The most distinctive portion of the book is the chapter upon the "Genesis of the Senate Committee on Foreign Relations." The student of constitutional history will find the treatment exhaustive as the author intended it to be. The only fault the reviewer finds with it is a lack of coherence. Its critical bibliography and excellent index add much to its value.

ELBERT J. BENTON.[2]

PRISON METHODS IN NEW YORK STATE: A Contribution to the Study of the Theory and Practice of Correctional Institutions in New York State. By Philip Klein, Ph.D. Colum-

[1] University of Colorado.

[2] Western Reserve University.

bia University, N. Y., Longmans, Green & Co., Agents, 1920.

To one interested in the evolution of what we call civilization, a study of our institutions of punishment may be recommended. Until recently this field of study has been little exploited in a careful and systematic way. Such attempts as were made dealt generally with the current aspects of some one problem in penology or were the results of an overworked executive seeking to obtain an historical insight into his present job. The publication, however, of Dr. Snedden's thesis, "Administration and Educational Work of American Juvenile Reform Schools," in 1907, indicated an awakening among college professors. They, prior to this, had seemed quite unaware of the wealth of valuable material for theses and reports which lay hidden in the laws, reports of institutions, reports of special commissions and reports of state boards relating to or having to do with our penal institutions. In 1919, Professor Bye published his "Capital Punishment in the United States," also a doctor's dissertation, and now we have at hand a third doctor's thesis dug out of this same field by Mr. Klein, the former Assistant Secretary of the Prison Association of New York. The reviewer is thoroughly convinced that there are many more theses still waiting for some courageous soul to gather them in.

Mr. Klein's study can be best compared to Volume II of the Prison Inquiry Commission of New Jersey, appearing in 1917, and written for the Commission by Professor Harry E. Barnes. Dr. Klein states that ten of his chapters giving a detailed history of all the different types of penal institutions in New York state were not published in the present volume but can be found in the 75th annual report of the Prison Association of New York. Now Professor Barnes' volume may be likened to the missing ten chapters, as it deals with the evolution of New Jersey's institutions. Dr. Klein's book, with the exception of the first three chapters and the last one, is a study of the minutiæ of prison administration treated from the historical standpoint. His connection with the Prison Association has stood him in good stead, enabling him from the wealth of his experience to supplement in many ways, from first hand knowledge of conditions, the legal requirements relating to prison administration. To anyone desiring to prepare a blank form for the use and training of prison inspectors, a perusal of these chapters would be invaluable. Chapter I is an account of early punishments in the colony, and chapter II describes briefly the development of institutions in New York state. Chapter III calls attention to the progress which has been made in penology during the last century or two. It helps the reader to form some estimate of the worth of the administrative measures which follow in the succeeding chapters in prolific abundance. Chapter XIV deals with the indeterminate sentence and parole features of institutional life. The first three chapters are unquestionably the most interesting to read, but the other chapters would be perhaps the more valuable to the prison administrator. The book will be welcomed by all sincere students of criminology and by all who are trying patiently to assist in the solution of the baffling problem of how to eliminate crime.

LOUIS N. ROBINSON, PH. D.

## II. BOOKS RECEIVED

AMERICAN POLICE SYSTEMS. By Raymond B. Fosdick. New York: The Century Company. 1920. Pp. 408. (Publications of the Bureau of Social Hygiene.)

THE AMERICAN DEMOCRACY. By S. E. Forman. New York: The Century Company. 1920. Pp. 474.

CASE FOR CAPITALISM. By Hartley Withers. New York: E. P. Dutton and Company. 1920. Pp. 255.

CHAOS AND ORDER IN INDUSTRY. By G. D. H. Cole. New York: Frederick A. Stokes Company. 1920. Pp. 292.

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CONTEMPORARY FRENCH POLITICS. By Raymond Leslie Buell. New York: D. Appleton and Company. 1920. Pp. 524.

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THE PRICE OF MILK. Clyde L. King. Philadelphia: The John C. Winston Company. 1920. Pp. 336.

THE SENATE AND TREATIES. By Ralston Hayden. New York: The Macmillan Company. 1920. Pp. 226.

THE TAINT IN POLITICS: A Study in the Evolution of Parliamentary Corruption. New York: Dodd, Mead and Company. 1920. Pp. 288.

SOCIAL CASE HISTORY: Its Construction and Content. By Ada Eliot Sheffield. New York: Russell Sage Foundation. 1920. Pp. 227. (Social Work Series.)

TRAVELING PUBLICITY CAMPAIGNS: Educational Tours of Railroad Trains and Motor Vehicles. By Mary Swain Routzahn. New York: Russell Sage Foundation. 1920. Pp. 151. (Survey and Exhibit Series.)

*Subscribers who bind their copies of the*

National Municipal Review

may receive the annual index for 1920 on application. Libraries on our mailing list will receive the index without specially requesting it. Our former custom of sending the index to all members has been discontinued as a measure of paper conservation.

# NOTES AND EVENTS

## I. GOVERNMENT AND ELECTIONS

**Boston Charter Amendment Fails.**—As noted in the July REVIEW, the Massachusetts legislature at its last session passed a bill enlarging the Boston city council from nine to fifteen members, to be elected by districts instead of at large. The bill carried with it a referendum to the people of Boston. The result of the election was a decisive defeat for the measure.

✤

**Chicago Adopts 50-Ward Law.**—This law, noted in the November REVIEW, was referred to the people of Chicago and adopted by a huge majority at the November election. It increases the number of wards from thirty-five to fifty but by allowing each ward one alderman the number of aldermen is reduced from seventy to fifty. The law directs the council to re-district the city within ninety days. A fair re-districting will remove the intolerable inequalities in representation existing at present.

✤

**San Francisco Takes Further Step Toward M. O.**—San Francisco voters by a decisive majority have approved a charter amendment enabling the city administration to negotiate for the purchase of the United Railroads to be welded with the present municipal system to insure a complete whole. The basis of negotiation must be that the purchase price shall be paid out of earnings. The plan moreover must be accepted by the people who alone can consummate any agreement.

✤

**Attack on Initiative Repulsed.**—A proposed constitutional amendment increasing the number of signatures necessary to an initiative petition, when such petition relates to assessment or collection of taxes, from eight to twenty-five per cent of the registered voters, was overwhelmingly defeated at the last election. The purpose was to prevent the recurrence of single-tax measures, five of which have been initiated since 1912. A constitutional amendment establishing the single tax was decisively defeated at the same election.

**Minneapolis Extends Pension System.**—The new pension system for city employes which was adopted by referendum vote on November 2, provides for pensions for practically all city employes except firemen, policemen and teachers, which three classes already have pension systems. It admits also persons holding elective offices, members of boards and commissions and a few others. The city is to contribute $60 per person for each of the first twenty-five years and the employe is to contribute a certain per cent of his salary. The employe's contribution begins at 3 per cent at age twenty and increases by one-fifth of 1 per cent each year until it reaches 8 per cent at age forty-five, from which time there is no increase.

✤

**Michigan Defeats Amendment Aimed at Private Schools.**—A so-called parochial school amendment to the Michigan constitution, designed to compel all children below the eighth grade to attend the public schools, was defeated last November by an approximately 2 to 1 vote. The proposal was fought bitterly by private school interests and those religious denominations which maintain schools of their own, as well as by many who opposed religious strife.

✤

**New York Constitutional Amendment Prescribes Serial Bonds.**—The voters at the November election approved the proposed constitutional amendment abolishing sinking fund bonds in favor of serial bonds for state debts. The amendment further provides that state debts shall be paid off within the life of the improvement and that debts for temporary purposes may be created only in anticipation of revenue and must be paid within one year. With respect to sinking funds already in existence, it is prescribed that future annual contributions shall be proportionate to the amount necessary to retire the existing term bonds at maturity. At present the state sinking funds have millions in excess of actual requirement due to the unscientific provisions governing payments to them.

**San Francisco Charter Amendments.**—The voters of this city were called upon to pass judgment on twenty-six charter amendments and two referred ordinances. Sixteen were adopted and twelve rejected. In addition there were twenty state measures on the ballot, making a total of forty-eight propositions voted upon by San Francisco electors. Withal, they seem to have exercised discretion. A pension system for city employes was made possible by charter amendment. Four measures constituting a raid on the civil service were defeated. The educational measures discussed in the November REVIEW were adopted. These provide for a school board nominated by the mayor and approved by the people, and make the school superintendent appointive instead of elective. Proposals for new taxes and higher salaries for certain public officials were all defeated.

**County Home Rule for Michigan.**—The movement for county home rule in Michigan, described in the November REVIEW, gained additional impetus at a dinner in Detroit on November 8 attended by more than three hundred citizens.

C. A. Dykstra, Executive Secretary of the City Club of Chicago, and C. Roy Hatten, Secretary of the Grand Rapids Citizens' League, were the speakers.

A State Committee has been formed to urge county reform and the outgrowth of this dinner was the appointment of a Detroit and Wayne County committee to work toward the same end. The Detroit Citizens' League under W. P. Lovett is taking the leadership for Wayne County.

**P. R. Saved in Ashtabula.**—The effort to abolish proportional representation and the city-manager plan in Ashtabula failed at the last election, the proposed charter amendment being defeated by 437 votes. The effort was obviously designed to combine the votes of those dissatisfied with either measure and thus to accomplish what was obviously impossible in case the two were voted on separately. That both should have been sustained by such a gratifying majority is the best evidence as to the merits of the two when combined.

**Constitutional Revision in Louisiana and Missouri.**—The voters of Louisiana at the November election ratified the call for a constitutional convention and elected delegates to that body. The convention meets at Baton Rouge, March 1.

In Missouri the success at the recent election of the constitutional amendment permitting the submission of the question of calling a constitutional convention to the electorate either by the legislature or through popular initiative has cleared the way toward a new constitution. The amendment further provides for a bi-partisan convention when it is finally ratified by the people. It will consist of fifteen members elected at large and sixty-eight elected by senatorial districts, two from each district and not more than one from any one political party. This preliminary step was necessary to prevent partisan squabbles from defeating the entire project.

The proposal to call a constitutional convention in California was voted down by the people.

**Results of Missouri Elections—Home Rule for Kansas City.**—The voters of Missouri not only defied precedent by going Republican in the last election even to the extent of electing both houses of the legislature and all state officials from the Republican ranks, but it overturned the time-honored custom of voting down all amendments to the state constitution. In the past twenty years only two amendments to the constitution have been adopted, in spite of the fact that it requires only a majority vote to adopt amendments.

In the election of November 2, nine amendments were adopted, most of them by substantial majorities. That some discrimination was exercised this year is shown by the fact that three failed to pass. In addition to the amendments two referendum measures were submitted, one of which was adopted.

Most important of the amendments from a state-wide standpoint were the good roads bond issue amendment providing for bond issues of $60,000,000 for good roads, and the so-called new constitution amendment. The latter changes the method of calling a constitutional convention, makes the convention bi-partisan, and fixes a date for an election on the question—shall there be a constitutional convention. Both of these amendments carried, the good roads amendment leading all others in the size of vote cast and majority favorable.

From Kansas City's standpoint two other amendments are of prime importance—one giv-

ing Kansas City home rule in charter making power, and the other increasing the limit of indebtedness to an extent which will permit of necessary public improvements, and, if desired, the purchase of public utilities.

It is of interest that the home rule amendment adopted is virtually a copy of the amendment prepared as a model by the National Municipal League. It applies only to Kansas City, but in other respects it is almost a copy.

The two referendum measures were one referring the prohibition enforcement act of Missouri passed by the last legislature, and the other referring the workmen's compensation act also passed by the last legislature. The enforcement act was upheld, but the workmen's compensation act was defeated.

WALTER MATSCHECK.[1]

✻

**Novel Zoning Ordinance for Lakewood, Ohio.**—A proposed zoning ordinance for Lakewood, Ohio, contains some features that are novel and some that have until recently been so considered. There are eight classes of use districts for (1) single houses, public and semi-public buildings, private clubs, etc., (2) tenements and hotels, (3) local retail business, (4) business and light manufacturing, (5) heavy industry, (6) semi-nuisances, (7) nuisances, (8) special uses, running all the way from aviation fields to refuse dumps. The location of some of the buildings in several of the classes is governed by special regulations. For example, in one family house districts, many of the public and semi-public buildings allowed in such districts, and clubs, can be located only on a lot already devoted to that special use; or in a block with street cars in the street in front of it; or opposite or adjacent to a public park or playground or opposite a block in which there are already such public or semi-public or non-conforming uses; or "in a lot approved after public notice and hearing by the city plan commission."

The board of zoning appeals is given the unusual power to:

> "Permit the location of a class 4a (i. e. 'special') use in any use district, provided such location will not seriously injure the appropriate use of neighboring property.
>
> "Permit in a use district any use that will not seriously injure the appropriate use of a neighboring property provided the petitioner files the consents, duly acknowledged, of the owners of 80 per cent of the area of the land deemed by the board to be immediately affected by the proposed use."

The ordinance contains certain limitations of the number of houses to the acre. It is especially gratifying to see that the height limits in it are low and the amounts of open space required, comparatively ample. Bill boards are specifically classed as a business use and thus excluded from residential districts. The ordinance was drafted under the direction and expert advice of Robt. H. Whitten, the planning adviser of Cleveland.

FRANK B. WILLIAMS.

✻

**Minneapolis Adopts Home Rule.**—On November 2 the voters of Minneapolis adopted a new charter. The only important provision is one that provides for home rule. The present charter dates from 1881 and has been amended many times since by legislative statutes. Minneapolis has made numerous attempts to supplant its old charter during the past two decades but all efforts heretofore have failed. The law requires that a proposed charter shall receive four-sevenths of all the votes cast at the election, not merely four-sevenths of all the votes cast upon the charter. Previously proposed charters have usually provided for more or less radical changes in organization of the city government and although most of them have received four-sevenths of the votes cast both for and against the charter, enough voters have failed to indicate their preference on the charter question to defeat it. In order to simplify matters and to raise as little objection as possible, the recent charter commission codified the provisions of the existing charter and all of the legislative amendments to it and inserted, in addition, a provision for home rule. Minneapolis has therefore the same form of government today, that it had before November 2. The only difference is the power of the city to alter it.

The commission attempted also to get the city council to authorize a special election upon the proposed charter so that it would not be defeated by voters who were interested in presidential and state candidates, but who did not care to vote on the charter. In the first part of the campaign all of the city papers came out for the new charter and home rule, but a short time before the election, several of them reversed their positions and opposed it. Large interests in the city fought it also on the ground that the socialists and other radicals would control the

[1] Director, Public Service Institute, Kansas City.

city's policy. The street car franchise was in the background all the time.

During the campaign the question was raised as to whether or not the city would be able to float bonds in excess of 5 per cent of its assessed valuation. The city's needs, especially for school buildings, is so great that it had been planned before the election, to raise several million dollars by means of bonds. Because of the doubt cast on the legality of an additional issue of bonds under the new charter which takes effect December 2, the Board of Estimate and Taxation has just authorized an issue of $2,980,000 in bonds which are to be sold and the delivery completed by December 1.

Roy S. Blakey.

✱

**California Passes New Alien Land Law.**—On November 2 the people of California adopted a new alien land law by the decisive vote of 483,015 to 163,761 (unofficial figures). The measure, adopted by initiative process, is designed to close the loop-holes in the alien land law adopted by the legislature in 1913. The 1913 act made a fundamental classification of "aliens eligible to citizenship" and "aliens ineligible to citizenship." The former class it left undisturbed in their rights to acquire, enjoy and transfer property on a par with American citizens. The latter class were permitted by the 1913 law to acquire, enjoy and transfer real property only in the manner and to the extent and for the purposes prescribed by treaty between the United States and the country of the alien's allegiance and in addition to lease lands for agricultural purposes for a term not exceeding three years. The same restrictions were applied to corporations or associations within the state of which a majority of members were such aliens or in which a majority of the issued capital stock was owned by such aliens. The law made provision finally for the disposition of property inherited from such aliens, escheats to the state in case of violations, and other penalties.

The new act, while preserving the fundamental principles of the old law, attempts to prevent evasions which experience has proved to be possible under the act of 1913. One method of evasion has been the repeated renewal of the short-term leases of agricultural lands so as in effect to give them all the force of long-term leases. The new law rescinds the privilege of short-term leases. Another common means of evasion was the operation of agricultural land by an alien of the restricted class as guardian on behalf of his minor child born in this country and hence eligible to citizenship and unrestricted in his property rights. The new law prohibits both aliens and corporations or associations of the restricted class from being appointed guardian of that portion of the estate of a minor which consists of property which they are inhibited from enjoying directly by the provisions of the act. Provision is made for county public administrators or other competent persons to assume such guardianships and for detailed reports to be rendered periodically by them accounting for their administration of such trusts.

In addition to permitting the organization of companies for the operation of agricultural lands by aliens of the restricted class in the future only in the manner prescribed by treaty, the act sharpens the penal features of the original act, providing among other things that "every transfer of real property . . . though colorable in form, shall be void as to the state and the interest thereby conveyed . . . shall escheat to the state if the property interest involved is of such a character that an alien (of the restricted class) is inhibited from acquiring . . . or transferring it, and if the conveyance is made with intent to prevent, evade or avoid escheat as provided for herein."

J. R. Douglas.

✱

**Toledo's Street Car Question Settled at Last.**—Toledo's street car question has been settled. By a vote of more than two to one, Toledo's electorate has approved the service-at-cost ordinance granting a franchise to the Community Traction Company, a newly incorporated company, formed to take over the street railway interests of the Toledo Railways & Light Company. By approximately the same majority they voted down the two proposed bond issues for a municipal transportation system.

The new franchise will go into effect as soon as the Toledo Railways & Light Company and the Community Traction Company have filed with the clerk of council their formal acceptance of the ordinance, and the transfer of the property has been effected. The date of the transfer will be the date of the taking effect of the ordinance.

After these formalities have been completed, the first effects of the franchise upon the car-riding public will be in the lower fare that will

go into operation at once. The fare will be reduced from its present level of seven cents cash fare, three tickets for twenty cents, and two cents for transfers, to the new rate of six cents cash fare, five tickets for thirty cents, and one cent for transfer. This rate will be in effect for six months, after which the fare will be determined automatically by the level of the reservoir known as the stabilizing fund.

Almost among the first steps to be taken will be the appointment by the mayor of a board of street railway control. This board will be made up of three electors of Toledo, appointed for terms of two years, four years, and six years respectively. These three persons must not be in the employ of either the city or the company, nor the shareholders nor holders of bonds of the company, nor be members of the Ohio legislature. They are to be unsalaried.

When the board of control has been organized, they will select a street railway commissioner, who will then be appointed by the mayor upon their recommendation. This commission will be the paid representative of the board of control and the city, charged with the duty of protecting the rights of the public in the operation of the system. His salary, office rent, and supplies will be paid for by the company. His office will be in connection with other city offices, rather than with the company's offices as is the case in some other cities where similar franchises are in effect.

Another immediate job of the board of control is the preparation of a plan for the rearrangement of the street railway system with the view of more efficient operation and better service. The franchise requires that this plan shall include provisions for a cross-town line. The only limitation placed on the board in planning a rearrangement of the system is that it shall not involve a cost of more than one million dollars, nor impair the ability of the company to meet its obligations and earn its specified return on its investment.

Adoption of the franchise brings to a close a controversy that has gone on almost continuously since 1910, when several of the company's franchises expired. Several franchises that have been submitted to vote on various occasions have been defeated. One franchise embodying a community ownership scheme was prepared but was never submitted to vote on account of a break in the negotiations. Another franchise was prepared by the company and presented to council, but was never passed by council. On several occasions the people have declared in favor of municipal ownership and at one election an $8,000,000 bond issue for a municipal system was approved. In November, 1919, the people approved an ouster ordinance ordering the company from the streets. Withdrawal of the cars in compliance with this ouster precipitated series of events which led to the appointment of the two commissions whose respective reports were voted upon this week.

WENDELL F. JOHNSON.

## II. JUDICAL DECISIONS

**Rent Laws.**—The constitutionality of the "Emergency Rent Law" of New York state was recently upheld in the case of *Guttag v. Shatzkin.*[1] In the opinion by Mr. Justice Finch he holds that "the protection of homes and houses is certainly within the police powers of the state providing a public emergency exists which threatens the same. In enacting the statute in question the legislature has declared in express terms that such a public emergency exists, and it is within its province to so determine. It remains for the court to consider whether the means adopted by the legislature are reasonably adopted to the ends sought." In the act in question the legislature prohibited the ousting of a tenant from his dwelling until the expiration of a two-year period except in certain prescribed instances. The court took judicial notice of the cause for the existing emergency, and held that the means which the legislature adopted were appropriate to the ends sought. The authority for the decision is based on the police power which, the court said, "takes into consideration the economic and social conditions of the times." "A reasonable allowance must be made for the exercise of legislative judgment, and if the matter is within the legislative discretion the court will not substitute its judgment for that of the legislature."

[1] 64 New York Law Journal.

**City Plan Commission.**—The town of Windsor, under a special act, created a town plan commission whose duty it was to lay out streets and establish building lines, together with certain other powers incidental to city plan commissions. Streets thereafter opened had to conform to the

plan of the commission, and buildings erected upon the property were required to observe the building line as fixed by the commission. The constitutionality of the special act was the question presented to the court. It was held to be not unconstitutional as taking property without compensation, such power being an exercise of police power and not that of eminent domain. The court held that the mere designation of the location of the street and the building line places no obligation on the property owner unless he elected to open the street or designate the building line.[1] "This," the court said, "does not physically take the land, but it regulates its use." "True, this deprives the owner of a part of his dominion over his land, but in the use of any property where public health, safety or welfare is affected, public interest is supreme and to that extent the private interest must yield." A strong dissenting opinion is submitted on the right of the commission to establish a building line.

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**Firemen's Pension.**—In determining eligibility for a pension, the Illinois supreme court held that a fireman's service with a village or incorporated town annexed to another city, should be considered as service with the fire department of the new municipality and that the applicant was entitled to his pension.[2]

✻

**Gas Rates—Powers of Judiciary.**—In 1905 an ordinance was passed fixing the gas rates to be charged in the city of New York. In 1906 the ordinance was declared valid by the supreme court of the state. In a recent suit it was proved that the rates fixed at that time were inadequate to meet the present-day costs. The court held that although the rates were valid from their inception, it would be unconstitutional if by reason of change in world affairs and cost of production the maximum rate fixed by it has become confiscatory and insufficient to give a fair and adequate return to gas companies, and that the courts have jurisdiction to hear and determine the question of its validity.[3]

✻

**City Money to Defend Law Suits.**—A resolution by the commissioners of Jersey City authorizing the advancing of city monies to defend proceedings by landlords to dispossess tenants was held to violate the provision of the constitution inhibiting a city from giving or loaning to an individual, and that it did not come within the authority granted under the police power of the state.[4]

✻

**Paving Specifications.**—The city of Chicago advertised for bids for paving to be done in creosoted wooden blocks and specified a special preserving oil to be used. Two bids were received, each stating that they would use the blocks of a certain company, who were the only manufacturers of the specified treating process. The evidence presented to the court showed that although it would be possible to manufacture the preserving oils, it is doubtful whether it could be done without encroaching upon the patent rights of a particular manufacturer. The court held that the city could not authorize such a contract. It was immaterial that the oil specified would produce the best results, inasmuch as a municipality must not become a victim of a monopoly in procuring the best results.[5]

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**Municipal Exemption.**—Where a voluntary payment is made because of error by the payor in a matter of law and not of fact, the person making such voluntary payment cannot recover, but the rule is inapplicable to municipal or other public bodies such as towns and counties, it being considered that such a payment is not voluntarily made by the municipality but by its agent in excess of his authority and in defiance of its rights.[6]

✻

**Defect in Highway Plan.**—The state highway commissioner of Connecticut was sued for injuries caused when the wheels of a motor truck crushed through a drain built under a highway which had been improved according to a plan of the commissioner. The general rule in such cases is that municipal corporations are not liable for injuries caused through a defect arising from an error in judgment. In making such an improvement a corporation is exercising legislative power. In this case, however, the court held that the drain constituted a defect from the time it was laid and that the continuance of the defect was such a failure to keep the road in proper repair as to place liability upon the commissioner.[7]

[1] *Town of Windsor* v. *Whitney*, 111 Atlantic 354.

[2] *Howen* v. *Board of Trustees of Oak Park*. General No. 25458.

[3] 180 N. Y. S. 38.

[4] 111 Atlantic 274.

[5] *Schoellhopf* v. *Chicago*, 12 N. E. 337.

[6] 183 N. Y. S. 646.

[7] 109 Atlantic 890.

**Taxation.**—An Ohio broker sought to enjoin the state auditor from registering his membership in the New York Stock Exchange for taxation in Ohio, on the ground that it was taxed in New York. The court denied the petition on the ground that it is not a violation of the federal constitution to tax intangible property, such as the exchange membership, in two states. Although double taxation has been called unjust and economically undesirable, such property should be taxed at the domicile of the owner.[1]

## III. MISCELLANEOUS

**New York Architects Fear That Private Profit Will Not Solve Housing Problem.**—At the meeting of the New York State Association of Architects, held in New York on November 12, a committee of three, appointed by the housing committee, presented the following resolution: "Whereas, the housing situation in almost every community of the state is extremely serious and practically no new houses are being built because such building offers no profit, and whereas it is evident that dependence on profit as an inducement for the housing of all the community is not producing the necessary relief, therefore be it *Resolved* : That we must try to find new viewpoints leading to new methods and that we start the essential educational process leading to such new methods by encouraging the people themselves and the workers to organize their own powers in credit and in work that they may build for themselves without profit to any intermediary."

The resolution was laid on the table and ordered printed in the Association Bulletin in order that it might receive full consideration at the next meeting.

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**Journal of the Town Planning Institute of Canada.**—The appearance of the Journal of the Town Planning Institute of Canada indicates that what is more commonly called in the United States city planning is taking on the aspect of a definite profession that has for its object the rational development of towns, cities, and rural districts in the interests of civic economy, public health and welfare, and amenity of living conditions.

The Journal is intended to serve as a means of communication among the members throughout the Dominion, supplying them with information concerning city planning schemes that are in course of development and of projects that are in contemplation. The first issue records a number of these schemes, giving the names of planners, architects, engineers and surveyors, and contains an account of the progress in city planning law in the various provinces. With the exception of Quebec and British Columbia, all the provinces have city planning acts and, in the case of Saskatchewan and Nova Scotia, these are mandatory. The Journal is edited by Mr. Alfred Buckley, M. A., Town Planning Branch, Commission of Conservation, Ottawa.

✠

**Ohio State Conference on City Planning.**—The second annual meeting of the Ohio Conference on City Planning was held in Toledo, October 1920, at the invitation of the mayor and the chamber of commerce of that city. Twenty cities were represented, four of them by their mayors or city managers.

Reports of city planning progress showed that there are five more officially appointed city planning commissions in Ohio than there were in October of last year. There are also six cities in which committees of citizen organizations have ordinances ready or pending in the council. All but one of these committees are from the chambers of commerce—that one is from an engineers' club.

The legislative program for this year—as did the program for last year—reflects some urgent needs. As adopted it is in brief:

1. Regional Planning. It is proposed that the state create a planning bureau, and in order to avoid the feeling against the establishment of more state boards, that this be put into the office of the state highway engineer; that this state bureau, at the request of any municipality, and taking into consideration the actual social and commercial community of interest, may define the boundaries of a region, that it may decide what townships or portions of townships, what portions of incorporated territories and corporations shall make up a region. Thereafter the municipal planning commissions and township trustees and county commissioners may make a plan of that region and allot the expense among the various political sub-divisions of the region.

[1] 125 N. E. 57.

2. Sale of Land by Metes and Bounds. (a) It is proposed that a law shall be passed to prohibit the sale of land in a sub-division or plot which shows lots upon streets unless the plot be recorded. (b) It is proposed that a law shall be passed providing that where a lot exceeding one-fourth acre in area is sold and that lot does not abut upon an existing lawful road or street, the deed cannot be accepted in the recorders' office for record unless the sale receives the endorsement of the city plan commission where it comes within the three-mile limit of a municipality, or of the county engineer, that endorsement to be based upon a decision of the commission or engineer that there exists or is provided adequate means of access to an existing county road or street.

3. City Plan Financing. It is proposed to remove two limitations from the constitution of Ohio: (a) The limitation of the power of eminent domain whereby in taking property by condemnation there is no right to deduct from the amount of compensation anything for benefits created in the remaining land. (b) The limitation of any special assessment to 50 per cent of the cost of the improvement.

CHARLOTTE RUMBOLD.[1]

[1] Assistant Secretary, Cleveland Chamber of Commerce.

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